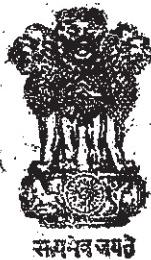


Extra Ordinary Part - IV / 2003

Extra No.	Date	Department
Extra No.1	01-02-2003	Urban Development & Urban Housing Department
Extra No.2	03-03-2003	Legislative & Parliamentary Affairs Department
Extra No.3	03-03-2003	Legislative & Parliamentary Affairs Department
Extra No.4	03-03-2003	Legislative & Parliamentary Affairs Department
Extra No.5	03-03-2003	Legislative & Parliamentary Affairs Department
Extra No.6	03-03-2003	Legislative & Parliamentary Affairs Department
Extra No.7	06-03-2003	Legislative & Parliamentary Affairs Department
Extra No.8	06-03-2003	Legislative & Parliamentary Affairs Department
Extra No.9	12-03-2003	Legislative & Parliamentary Affairs Department
Extra No.10	12-03-2003	Legislative & Parliamentary Affairs Department
Extra No.11	12-03-2003	Legislative & Parliamentary Affairs Department
Extra No.12	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.13	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.14	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.15	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.16	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.17	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.18	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.19	31-03-2003	Legislative & Parliamentary Affairs Department
Extra No.20	05-04-2003	Legislative & Parliamentary Affairs Department
Extra No.21	07-04-2003	Legislative & Parliamentary Affairs Department
Extra No.22	05-04-2003	Legislative & Parliamentary Affairs Department

Extra No.	Date	Department
Extra No.23	08-04-2003	Legislative & Parliamentary Affairs Department
Extra No.24	05-05-2003	Legislative & Parliamentary Affairs Department
Extra No.25	12-05-2003	Legislative & Parliamentary Affairs Department
Extra No.26	26-06-2003	Education Department
Extra No.27	16-08-2003	Home Department
Extra No.28	17-09-2003	Legislative & Parliamentary Affairs Department
Extra No.29	17-09-2003	Legislative & Parliamentary Affairs Department
Extra No.30	17-09-2003	Legislative & Parliamentary Affairs Department
Extra No.31	17-09-2003	Legislative & Parliamentary Affairs Department
Extra No.32	17-09-2003	Legislative & Parliamentary Affairs Department
Extra No.33	19-09-2003	Legislative & Parliamentary Affairs Department
Extra No.34	18-10-2003	Legislative & Parliamentary Affairs Department
Extra No.35	30-10-2003	Legal Department



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PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 1st February, 2003.

GUJARAT ORDINANCE NO. [REDACTED] OF 2003.

AN ORDINANCE

*to repeal the Gujarat New Capital (Periphery) Control
Act, 1960.*

Guj. Ord. 2
of 2002.

WHEREAS the Governor of Gujarat has promulgated the Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2002 on the 1st July, 2002;

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 27th December, 2002 and prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 6th February, 2003, the date on which the period of six weeks from the date of the reassembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.* — (1) This Ordinance may be called the Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2003.

(2) It shall be deemed to have come into force on the 1st July, 2002.

2. *Repeal of Guj. X of 1960.*— The Gujarat New Capital (Periphery) Control Act, 1960 is hereby repealed.

Guj. X of
1960.

3. *Repeal.*— The Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2002 is hereby repealed.

Guj. Ord. 2
of 2002.

STATEMENT

The Gujarat New Capital (Periphery) Control Act, 1960 was enacted for controlling and regulating development in the periphery of the site of the permanent capital of the State of Gujarat. It also extends to the area adjacent to and within a distance of five miles on all sides from the outer boundary of the new capital of the State. The said Act provides for obtaining previous permission of the Collector for erecting any building or to make or extend any excavation or lay out any means of access to a road in the controlled area. It also provides for obtaining the permission of the State Government for the change of use of land. In the year 1976, the Gujarat Town Planning and Urban Development Act, 1976 was enacted for execution of development plans and town planning schemes in the whole of the State. In the year 1996, the Gandhinagar Urban Development Authority has been constituted under section 22 of the Act of 1976. Since the Gandhinagar Urban Development Authority is looking after the development in the areas covered under the Act of 1960, it is not necessary now to have two authorities for the same purpose in the areas of the capital and adjacent areas thereto. With a view to remove the hardship of the people in approaching two different authorities for the same purpose, it was considered necessary to repeal the Gujarat New Capital (Periphery) Control Act, 1960.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2002, was promulgated on 1st July, 2002 to achieve the aforesaid object. The said Ordinance was laid before the Gujarat Legislative Assembly in its session which was summoned to meet on the 27th December, 2002 and prorogued on the same day. The Bill converting the said Ordinance into an Act was published as Gujarat Bill No. 24 of 2002 also, but the said Bill could not be taken up for want of time.

By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 6th February, 2003, the date on which the period of six weeks from the date of reassembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 31st January, 2003.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

B. K. SINHA,
Principal Secretary to Government.



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

to repeal the Gujarat New Capital (Periphery) Control Act, 1960.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :—

- | | |
|--|---|
| <p>1. (1) This Act may be called the Gujarat New Capital (Periphery) Control (Repeal) Act, 2003</p> <p>(2) It shall be deemed to have come into force on the 1st July, 2002.</p> <p>2. The Gujarat New Capital (Periphery) Control Act, 1960 is hereby repealed.</p> <p>3. The Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2003 is hereby repealed.</p> | <p>Short title and commencement.</p> <p>Repeal of Guj. X of 1960.</p> <p>Repeal.</p> |
|--|---|

Extra No. 3

(C)



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

further to amend the North Gujarat University Act, 1986.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

- | | |
|---|--------------------------------------|
| <p>1. (1) This Act may be called the North Gujarat University (Amendment) Act, 2003.</p> <p>(2) It shall come into force at once.</p> | <p>Short title and commencement.</p> |
| <p>2. In the North Gujarat University Act, 1986 (hereinafter referred to as "the principal Act"), in the long title, for the words "the North Gujarat University", the words "the Hemchandracharya North Gujarat University." shall be substituted.</p> | |

Guj. 22 of
1986.

Amendment of
long title.

Amendment of section 1 of Guj. 22 of 1986.

3. In the principal Act, in section 1, in sub-section (1), for the words and figures "the North Gujarat University Act, 1986", the words and figures "the Hemchandracharya North Gujarat University Act, 1986." shall be substituted.

Amendment of section 2 of Guj. 22 of 1986.

4. In the principal Act, in section 2, in clause (16), for the words "the North Gujarat University Act", the words "the Hemchandracharya North Gujarat University Act" shall be substituted.

Amendment of section 3 of Guj. 22 of 1986.

5. In the principal Act, in section 3, in sub-section (1), for the words "The North Gujarat University", the words "The Hemchandracharya North Gujarat University" shall be substituted.

Insertion of new section 79A in Guj. 22 of 1986.

6. In the principal Act, after section 79, the following new section shall be inserted, namely:-

"79A. (1) As from the commencement of the North Gujarat University (Amendment) Act, 2003 (hereinafter referred to as "the said Act"), any reference in any existing law or instrument or document-

- (a) to the expression "the North Gujarat University Act, 1986" shall be construed as if it were a reference to "the Hemchandracharya North Gujarat University Act, 1986" and
- (b) to the expression "the North Gujarat University" shall be construed as if it were a reference to "the Hemchandracharya North Gujarat University".

(2). Any act done by, or any suit or other proceeding filed by or against the North Gujarat University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against the Hemchandracharya North Gujarat University.

Guj. 2 of
2003.

Explanation.- For the purpose of this section "existing law" means any enactment of a Legislature of any other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment."



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st March, 2003 is hereby published for general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

further to amend the Bombay Primary Education Act, 1947.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Primary Education (Gujarat Amendment) Act, 2003.

Short title and commencement.

(2) It shall be deemed to have come into force on the 11th June, 1998.

2. In the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act"), in section 2,—

Amendment of section 2 of Bom. LXI of 1947.

(i) after clause (5), the following clause shall be inserted, namely:—

"(5A) "Authorised Officer" means such officer as the State Government may, by order appoint;";

Amendment
of section 13
of Bom. LXI
of 1947.

- (ii) after clause (19), the following clauses shall be added, namely :–
- (20). “Teacher” means primary school teacher;
- (21) “*Vidyasahayak*” means a person appointed on contract to assist a teacher and pupils (students) in a primary school under the supervision and control of the head-teacher.”.

3. In the principal Act, in section 13, in sub-section (2), after clause (d), the following clause shall be inserted, namely :–

“(dd) to maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government or an authorised officer, as the case may be, be necessary;”.

Amendment
of section 17
of Bom. LXI
of 1947.

4. In the principal Act, in section 17, in sub-section (1), after clause (c), the following clause shall be inserted, namely :–

“(cc) to maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government, be necessary;”.

5. In the principal Act, in section 20,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :–

“(1A) Every district school board, and every authorised municipality and recognised private primary school shall, with the approval of the State Government or of an authorised officer, maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government or an authorised officer, as the case may be, be necessary.”.

(2) after sub-section (4), the following new sub-sections shall be added, namely :–

“(5) The State Government may constitute State Level Committee, namely *Vidyasahayak* Committee to exercise such powers and perform such functions as may be prescribed.

(6) The State Government may constitute Village Education Committee and Village School Construction Committee to exercise such powers and perform such functions as may be prescribed.”.

6. In the principal Act, after section 23, the following new section shall be inserted, namely :–

“(23A. (1) For selection of *Vidyasahayaks* there shall be a Selection Committee—

(a) for every district, consisting of such persons as may be prescribed;

(b) for the area of every authorised municipality, consisting of such persons as may be prescribed;

(c) for recognised private primary schools consisting of such persons as may be prescribed;

(2) The qualifications for appointment of *Vidyasahayak* shall be such as may be prescribed.

(3) The Selection Committee shall select candidates for appointment as *Vidyasahayak* on such criteria and in such manner, as may be prescribed.

(4) A District Primary Education Officer or an Administrative Officer of the Municipal School Board or the managing trustee in private primary grant-in-aid school with the approval of the District Primary Education Officer, as the case may be, may make appointments of the candidates in accordance with the directions given by the Selection Committee and subject to such terms and conditions as laid down in *Vidyasahayak* Scheme as may be prescribed.

Insertion of
new section
23A in Bom.
LXI of 1947.

Selection of
Vidya Sahayaks

(5) No person shall be appointed as *Vidyasahayak* unless he has entered into a contract with the District Primary Education Officer or the Administrative Officer of the Municipal School Board or the management in case of recognised grant-in-aid private primary school with the approval of the District Primary Education Officer/District Education Officer, as the case may be, in such form and subject to such terms and conditions, as may be prescribed.

(6) The duties of *Vidyasahayak* shall be such as may be prescribed.

(7) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in sections 20 and 23 of this Act and in any provision of the Gujarat Panchayats Act, 1993.

Guj. 18 of
1993.

7. In the principal Act, in section 63, —

(1) in sub-section (2), after clause (fa), the following clauses shall be inserted, namely :—

- "(fb) the powers and functions to be performed by the State Level Committee, namely *Vidyasahayak* Committee;
- (fc) the powers and functions to be performed by the Village Education Committee and Village School Construction Committee;
- (fd) the persons of which Selection Committees shall consist of;
- (fe) the qualifications for appointment as *Vidyasahayak*;
- (ff) the manner and criteria for selection of candidates for appointment as *Vidyasahayak*;
- (fg) making of *Vidyasahayak* Scheme from time to time;
- (fh) the form of contract of appointment to be entered into by a *Vidyasahayak* and terms and conditions of such appointment to be contained in such contract;
- (fi) the duties of *Vidyasahayak*;".

(2) to sub-section (3), the following proviso shall be added, namely:—

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rules to be made under this section.".

Amendment
of section 63
of Bom. LXI
of 1947.



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the Governor on the 1st March, 2003 is hereby published for general
information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

further to amend the Bombay Prevention of Gambling Act, 1887.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as
follows:-

1. This Act may be called the Bombay Prevention of Gambling Short title.
(Gujarat Amendment) Act, 2003.

Amendment of section 6 of Bom. IV of 1887.

2. In the Bombay Prevention of Gambling Act, 1887, in section 6, in sub-section (1), before clause (i), the following clauses shall be inserted, of 1987, namely :-

- "(ia) in any area of the State, not below the rank of Sub-Inspector of Police, authorised in each case by special warrant issued by the Additional Director General of Police (Law and Order) or whoever is holding that post in any rank or Additional Director General of Police C.I.D. (Crime); and
- (ib) in any area of police range not below the rank of Sub-Inspector of Police, authorised in each case by special warrant issued by the Special Inspector General of Police or Deputy Inspector General of Police appointed for the respective police range; and "

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V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

to establish and incorporate a teaching and affiliating University in the State of Gujarat to be known as the kachchh University.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

CHAPTER I**PRELIMINARY**

1. (1) This Act may be called the Kachchh University Act, 2003.

Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires, -

- (1) "affiliated college" means a college affiliated under section 5 or 35;
- (2) "approved institution" means an institution approved under section 38;
- (3) "autonomous college", "autonomous institution" or "autonomous department" means a college, institution or department which exercise the powers under section 44;
- (4) "college" means a degree college or an affiliated college teaching any of the courses leading to a diploma or a degree;
- (5) "degree college" means an affiliated college which is authorised to submit its students to an examination qualifying for any degree of the University;
- (6) "department" means a department designated as such by Ordinances with reference to a subject or a group of subjects;
- (7) "head master" means the head of a secondary school;
- (8) "hostel" means a unit of residence for students maintained or recognised by the University under this Act;
- (9) "principal" means the head of a college;
- (10) "recognised institution" means an institution recognised under section 37;
- (11) "registered graduate" means a graduate registered under the provisions of this Act;
- (12) "secondary school" means a secondary school registered or deemed to have been registered under section 31 of the Gujarat Secondary and Higher Secondary Education Act, 1972;
- (13) "secondary teachers" means such class of teachers who are imparting instruction in secondary schools as may be declared to be secondary teachers by the Statutes;
- (14) "Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;
- (15) "teachers" means professors, readers, lecturers and such other persons imparting instructions in the University or a University college or an affiliated college or a recognised institution or an approved institution as may be declared to be teachers by the Statutes;
- (16) "Tribunal of arbitration" means the tribunal as referred to in section 69;
- (17) "University" means the Kachchh University constituted under this Act;
- (18) "University area" means the areas specified in the Schedule;
- (19) "University Department" means any post-graduate or research institution or department maintained by the University.

Guj. 18 of
1973.

CHAPTER II

THE UNIVERSITY

3. (1) The Chancellor, the first Vice-Chancellor, the first Pro-Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council of the University and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Kachchh University".

Incorporation of
the University.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may vest in or be acquired by it for the purposes of the University, to raise loan on the securities of its assets and to contract and do all other things necessary for the purposes of this Act;

(4) The headquarters of the University shall be at Bhuj.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely:-

Powers of the
University.

- (1) to provide for instruction, including correspondence courses, teaching and training in such branches of learning and courses of study as it may think fit, to make provisions for research, advancement and dissemination of knowledge and conduct special undergraduate courses for talented students;
- (2) to promote equality of opportunities and social justice as enshrined in the Constitution of India and to be a catalyst in socio-economic transformation;
- (3) to promote national integration and preserve cultural heritage;
- (4) to make such provision as would enable affiliated colleges, recognised institutions and approved institutions to undertake specialisation of studies;
- (5) to establish, maintain, take over by agreement and manage colleges, departments and institutes of research or specialised studies;
- (6) to organise common laboratories, libraries, museums and other equipments for teaching and research;
- (7) to establish within the University area or outside that area such field stations, campuses, specialised laboratories and other units for research and instructions and for post-graduate studies in a special subject;
- (8) to designate a college or institution or department or campus autonomous for encouraging innovations;

- (9) to provide for common resources centres for a group of colleges in the region, in terms of libraries, computer services, etc. and also to provide for inter-study disciplinary courses for study and research;
- (10) to institute professorships, readerships, lecturerships and other posts of teachers required by the University;
- (11) to guide teaching and research work in colleges, University Departments and recognised institutions;
- (12) to organise and undertake extra mural studies, training and extension services;
- (13) to lay down the courses of instruction for the various examinations;
- (14) to institute degrees, diplomas and other academic titles and distinctions;
- (15) to hold examinations or tests and confer degrees and diplomas on, and grant certificates to, persons who —
 - (a) have pursued approved courses of study in the University or an affiliated college, unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations and Rules and have passed the examinations or tests prescribed by the University, or
 - (b) have carried on research under conditions prescribed by the Statutes, Ordinances, Regulations or rules;
- (16) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (17) to grant such diplomas to, and to provide such lectures, instructions and training to, persons who are not enrolled students of the University, as may be determined by the Statutes, Ordinances, Regulations and rules;
- (18) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in the manner prescribed by the Statutes;
- (19) to associate or admit educational institutions with, or to the privileges of the University by way of affiliation, recognition or approval;
- (20) to withdraw or modify either in whole or in part, affiliation, recognition or approval of educational institutions;
- (21) to inspect colleges, recognised institutions and approved institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;
- (22) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff of the University;
- (23) to lay down and regulate the salary scales, allowances, and other conditions of service of the members of the teaching, other academic and non-teaching staff in the affiliated colleges and recognised and approved institutions;

- (24) to provide for the recognition of Student's Unions or associations of teachers, academic staff or other employees of the University, affiliated colleges and recognised institutions;
- (25) (a). to control and co-ordinate the activities of, and to give financial aid to, affiliated colleges and recognised and approved institutions; and
(b) to regulate the fees to be paid by the students in affiliated colleges and recognised and approved institutions;
- (26) to hold and manage trusts and endowments;
- (27) to institute and award fellowships, travelling fellowships, scholarships, studentships, medals, prizes and other awards;
- (28) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (29) to lay down courses of study to meet the requirements of rural planning, development and reconstruction and to provide for instruction, teaching and training in such courses;
- (30) to make special provision for disseminating knowledge and promoting arts and culture;
- (31) to fix, to demand and to receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (32) to establish, maintain and manage hostels;
- (33) to recognise hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;
- (34) to co-ordinate, supervise, regulate and control the residence, conduct and discipline of the students and all categories of employees and to lay down service conditions of the employees of the University and to make arrangements for promoting their health and general welfare;
- (35) to take disciplinary action against the students of the University and to impose such punishment upon them as may be deemed fit for breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abatement thereof;
- (36) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University Departments and affiliated colleges and recognised institution ;
- (37) to co-ordinate, supervise, regulate and control the conduct of undergraduate teaching and instruction in the affiliated colleges and to undertake the same in University colleges;
- (38) to institute and manage -
(a) Printing and Publication Department,
(b) University Extension Boards,
(c) Information Bureau, and
(d) Employment Bureau;

(39) to make provision—

- (a) for continuing education, adult education, extra-mural teaching, extension services and other recognised educational activities;
 - (b) for Physical Education, National Cadet Corps, National Services Scheme, National Sports Organisation and such other recognised activities; and
 - (c) for sports and athletic activities;
- (40) to co-operate with any other Universities, authorities or associations or any other public or private bodies in such manner and for such purposes as the University may determine;
- (41) to make arrangements for training for competitive examinations for recruitment of services under the Union and State Governments;
- (42) to promote the development of the study of Gujarati and Hindi (in Devanagri script) and other languages and the use of Gujarati or Hindi (in Devanagri script) or both as the media of instruction and examination;
- (43) to acquire, hold, manage and dispose of any property movable and immovable, including trust or endowed property within or outside the University and to invest any funds representing such property in such manner as the University thinks fit;
- (44) to raise public loans on security of the assets of the University for the purpose of the University, with the previous approval of the State Government;
- (45) to generate resources by frugal and productive utilisation of the University resources;
- (46) to enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, properties and liabilities and for any other purpose not repugnant to this Act;
- (47) to organise and conduct refresher courses, workshops, seminars and other programmes;
- (48) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the object of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

Jurisdiction and admission to privileges.

5. (1) No educational institution situated within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law.
- (2) Any such privileges enjoyed from the Gujarat University before the date on which this Act comes into force by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.
- (3) With effect on and from such date all educational institutions admitted to the privileges of the Gujarat University and situate within the University area shall be

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deemed to be admitted to the privileges of the University and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Gujarat University and the Gujarat University Act, 1949 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the Gujarat University immediately before such date.

(4) Any educational institution in the State of Gujarat situated outside the University area may, subject to such conditions and restrictions as the University and State Government think fit to impose, be admitted to the privileges of the University.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the State Government maintain, affiliate or recognise any college or institution exclusively for women or reserve for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes and the Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

7. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments of any institution, college or hostel maintained, recognised or approved by, or affiliated to, the University, of the teaching and other work conducted by the University and of the conduct of examination held by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to University of his intention to cause an inspection or inquiry to be made and University shall be entitled to be represented thereat.

Inspection and
Inquiry.

(2) The Chancellor shall communicate to the Executive Council his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Executive Council, advise the University on the action to be taken.

(3) The Executive Council shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted within such time as the Chancellor may direct.

(4) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

University open to
all irrespective of
sex, religion, class,
creed or opinion.

(5) The State Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner prescribed in sub-sections (1) to (3) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

CHAPTER III

OFFICERS OF THE UNIVERSITY

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| Officers of the University. | <p>8. The following shall be the officers of the University, namely :</p> <ul style="list-style-type: none"> (i) The Chancellor, (ii) The Vice-Chancellor, (iii) The Pro-Vice-Chancellor, if any; (iv) The Deans of Faculties, (v) The Registrar, (vi) The University Librarian, and (vii) Such other officers in the service of the University as may be declared by the Statutes to be the officers of the University. |
| Chancellor. | <p>9.</p> <ul style="list-style-type: none"> (1) The Governor of the State of Gujarat shall be the Chancellor of the University. (2) The Chancellor shall, by virtue of his office, be the head of the University and the President of the Court and shall, when present, preside at the meetings of the Court and at any convocation of the University. (3) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes. |
| Vice-Chancellor | <p>10.</p> <ul style="list-style-type: none"> (1) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by a committee appointed for the purpose under sub-section (2). (2) (a) For the purposes of sub-section (1), the Chancellor shall appoint a Search Committee which shall consist of the following members, namely :- <ul style="list-style-type: none"> (i) one member to be nominated by the Chancellor; (ii) two members (not being persons connected with the University or with any affiliated college, recognised institution or approved institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the |

- Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat;
- (iii) one member to be nominated by the Chairperson of the University Grants Commission.
- (b) The nominee of the Chancellor shall be the Chairperson of the Search Committee.
- (c) A person nominated on the Search Committee shall not be eligible to accept honorary degree or any appointment on the post, honorary or otherwise, or nomination of any of the bodies of the University for the next six years.
- (3) The Committee so appointed shall, within such time and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.
- (4) The Vice-Chancellor shall hold office for a term of three years and he shall be eligible for re-appointment to that office for a further term of three years only:
- Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of 65 years.
- (5) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions including the perquisites subject to which he shall hold office shall be such as may be determined by the State Government:
- Provided that such emoluments or such terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.
- (6) The Vice-Chancellor may, after giving one month's notice, resign from his office and shall cease to hold his office on the acceptance of his resignation by the Chancellor or from the date of expiry of the said notice period, whichever is earlier.
- (7) (a) During the leave or absence of the Vice-Chancellor, or
(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office,
- the Pro-Vice-Chancellor, and in the absence of the Pro-Vice-Chancellor, one of the Deans nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

**Powers of the
Vice-Chancellor.**

11. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Court and any convocation of the University. He shall be an *ex-officio* member and Chairperson of the Executive Council and of the Academic Council. He shall be entitled to be present with the right to speak at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.
- (2) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council, the Academic Council and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.
- (3) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all powers necessary for this purpose.
- (4) (a) In any emergency which, in the opinion of the Vice-Chancellor requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding his action to such officer, authority or body as would have in the ordinary courses dealt with the matter.
- (b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Executive Council within fifteen days from the date on which such action is communicated to him.
- (5) The Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.
- (6) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as may be deemed fit is of the opinion that the execution of any order or resolution of an authority specified in or declared under section 15, or the doing of anything which is about to be done or is being done by or on behalf of the University,-
 - (i) is inconsistent with the provisions of this Act or of any Statutes, Ordinances, Regulations or rules, or
 - (ii) is not in the interest of the University, or
 - (iii) is likely to lead to breach of peace,
 he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing with a statement of reasons to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority after reconsideration revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the Chancellor for his decision.

(d) The Chancellor may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the Chancellor without giving the concerned authority a reasonable opportunity of showing the cause against the order proposed to be made by him.

(e) The order, resolution or, as the case may be, the doing of thing shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the Chancellor under clause (d).

12. (1) (a) The Vice-Chancellor in consultation with the Executive Council may decide to fill the office of the Pro-Vice-Chancellor or to keep it vacant.

Pro-Vice-Chancellor.

(b) If the Vice-Chancellor decides to fill the office of the Pro-Vice-Chancellor, the Pro-Vice-Chancellor shall be appointed by the Chancellor from amongst three persons recommended by the Vice-Chancellor.

(2) (a) The term of office of the Pro-Vice-Chancellor shall be co-terminus with that of the Vice-Chancellor.

(b) Subject to the provisions of clause (a), he shall be eligible for appointment to that office for a further term.

(c) Notwithstanding anything contained in clauses (a) and (b), where a vacancy occurs in the office of the Vice-Chancellor, the Pro-Vice-Chancellor shall continue to hold his office till such vacancy is filled and on the vacancy being so filled, the Pro-Vice-Chancellor shall cease to hold his office.

(3) The Pro-Vice-Chancellor shall be a whole time salaried officer and his emoluments and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and conditions of service of the holder of such office shall not during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(4) The Pro-Vice-Chancellor shall exercise such of the duties of the Vice-Chancellor as the Vice-Chancellor may either specially or generally confer or impose on him with the approval of the Executive Council.

- (5) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor, or in the event of the Vice-Chancellor being unable to perform the duties of his office, exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.
- (6) The Pro-Vice-Chancellor shall preside-
- (a) in the absence of the Chancellor and the Vice-Chancellor, at the meetings of the Court, and
 - (b) in the absence of the Vice-Chancellor, at the meetings of any other authority of the University or a committee thereof.

The Registrar.

13. The Registrar shall be a whole time salaried officer and shall act as the Secretary of the Court, of the Executive Council and of the Academic Council. He shall be appointed by the Executive Council in accordance with the Statutes made in this behalf and his emoluments and conditions of service shall be determined by such Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes, Ordinances and Regulations.

University Librarian and other officers.

14. (1) The University Librarian shall be a whole time salaried officer. He shall be appointed by the Executive Council in accordance with the Statutes made in this behalf and his qualifications, emoluments and conditions of service shall be such as may be determined by the Statutes having regard to the provisions of clause (xxix) of section 20.

(2) The powers and duties of the University Librarian and the officers of the University referred to in clause (vii) of section 8 shall be such as may be prescribed by the Statutes, Ordinances and Regulations.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

15. The following shall be the authorities of the University, namely :-

- (i) The Court,
- (ii) The Executive Council,
- (iii) The Academic Council,
- (iv) The Faculties,
- (v) The Boards of Studies,
- (vi) The Finance Committee,
- (vii) Such other Boards and bodies of the University as may be declared by the Statutes to be the authorities of the University.

The Court.

16. (1) The Court shall consist of the following members, namely :-

Class-I Ex-Officio Members

- (A) University Offices-
 - (i) The Chancellor,

- (ii) The Vice-Chancellor,
- (iii) The Ex-Vice-Chancellor of the University residing in the State;
- (iv) The Pro-Vice-Chancellor, if any;
- (v) The Registrar;
- (vi) The University Librarian;
- (B) Others
- (i) The Director of Higher Education or an officer not below the rank of a Joint Director of Higher Education designated by such Director;
- (ii) The Director of Technical Education or an officer not below the rank of a Joint Director of Technical Education designated by such Director;
- (iii) The Director of Health and Medical Services and Medical Education or an officer not below the rank of a Joint Director of Health and Medical Services and Medical Education designated by such Director;
- (iv) The Chairperson of the Gujarat Secondary and Higher Secondary Education Board, Gujarat State;
- (v) The Director of Employment and Training or an officer not below the rank of a Joint Director of Employment and Training designated by such Director;
- (C) (i) Heads of University Departments,
- (ii) Heads of recognised institutions.

Class II Ordinary Members

- (A) Elected as specified below :-
 - (i) one member by each of the following bodies from amongst its members, namely :-
 - (a) The Gujarat Legislative Assembly,
 - (b) Municipalities in Kachchh District,
 - (c) Kachchh District Panchayat,
 - (d) Kachchh Chamber of Commerce,
 - (ii) one member by head masters of secondary schools situate within the University area from amongst themselves in the manner specified in the Statutes;
 - (iii) one member by secondary teachers, other than head masters, of secondary schools situate within the University area from amongst themselves in the manner specified in the Statutes;

- (iv) one member other than teachers or secondary teachers or head master elected facultywise by registered graduates in each of the faculties from amongst themselves in the manner specified in the Statutes;

Provided that the number of such members shall not exceed ten and if the number of Faculties exceeds ten, the Faculties shall be suitably grouped in ten groups in the manner specified in the Statutes for the purpose of electing ten such members;

- (v) one member each by—

- (a) the Bar Council of the State of Gujarat from amongst its members;
- (b) the Gujarat Medical Council from amongst its members;
- (c) the Institute of Engineers (India), Gujarat Centre, from amongst its members;

Provided that no person shall be elected to be a member of the Court by the Gujarat Medical Council if the University has no Faculty of Medicine or by the Institute of Engineers (India), Gujarat Centre, if the University has no Faculty of Engineering;

- (vi) two members by the governing bodies of colleges affiliated to the University in the manner specified in the Statutes;

- (vii) twenty members by teachers of affiliated colleges (excluding Deans of Faculties and Principals of Colleges) of whom fifteen shall be teachers having teaching experience of not less than ten years in a college or in any University established by law in the State from amongst themselves in the manner specified in the Statutes;

- (viii) such number of Principals of affiliated colleges, not exceeding fifteen as may be fixed in the proportion of one for every three principals of such colleges, from amongst themselves in the manner specified in the Statutes;

- (ix) one representative of the members of non-teaching staff of the University, affiliated colleges, recognised institutions and approved institutions to be elected in the manner specified in the Statutes:

Provided that for the purpose of election of ordinary members, a person entitled to stand as a candidate or to vote in more than one constituency shall, before such date as may be appointed by the Statutes, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand or vote in more than one constituency.

- (B) Two members to be elected in the manner specified by the Statutes from amongst themselves by donors each donating money or property of the value of not less than such sum of rupees as may be specified in the Statutes;

- (a) to, or for purposes of the University, or

- (b) to, or for purposes of, a college or institution affiliated to or recognised by the University, irrespective of whether the donation was made before or after such affiliation or recognition:

Provided that the right of electing members on the Court shall not extend beyond the period of twenty years from the date of acceptance of such donation by the college, institution or, as the case may be, the University.

Explanation.—For the purpose of this paragraph, the value of property means the market value of the property at the date of acceptance and the decision as to the market value shall rest with the Executive Council and shall be final.

- (C) (i) (a) Eight members to be nominated by the Chancellor from amongst distinguished educationists, social workers, Trade Unions, representatives of backward communities, women and such other class of persons;
- (b) President of the Kachchh District Panchayat;
- (c) One member each to be nominated by the municipalities in the University jurisdiction from amongst its Councilors.
- (ii) Seventeen members to be nominated by the Vice-Chancellor, as follows, namely :—
 - (a) Five Deans of Faculties, by rotation as specified in the Statutes,
 - (b) (i) Five post-graduate students who are wholly engaged in the studies in the University;
 - (ii) Five under-graduate students who are wholly engaged in studies in affiliated colleges from the first ten students in order of their merit in the examination held immediately before their nomination;
 - (iii) two students who are wholly engaged in the under-graduate or post-graduate studies and who have achieved eminence in sports or other cultural activities organised by the University immediately before their nomination:

Provided that one of the students to be nominated under item (iii) shall be a woman.

- (2) The term of office of elected members referred to in paragraphs (A) and (B) in Class II of sub-section (1) and of the nominated members referred to in clause (i) of paragraph (C) in Class-II of that sub-section shall be five years and of the members referred to in clause (ii) of that paragraph (C) shall be for one academic year:

Provided that every person elected under paragraph (A) or paragraph (B) in Class-II of sub-section(1) or nominated under sub-clause (b) of clause (i) of paragraph (C) or under clause (ii) of that paragraph in Class II of sub-section (1) shall continue to hold office of a member of the Court so long only as he is a member of the electing body or, as the case may be, bodies or is a head-master or a secondary teacher or a teacher or a principal or a member of a non-

Meeting of the Court.

teaching staff or a president of a district panchayat or a dean of a faculty or a student wholly engaged in studies, as the case may be.

17. (1) The Court shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total members of the Court, convene a special meeting of the Court.

Powers and duties of the Court.

18. Subject to the other provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely :-

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Chancellor in respect of any matter which may be referred to it for advice; and

(d) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes,

The Executive Council.

19. (1) The Executive Council shall be the executive authority of the University and shall consist of the following, namely :-

(i) the Vice-Chancellor *Ex-officio* Chairperson;

(ii) the Pro-Vice-Chancellor, if any;

(iii) the Director of Higher Education, Gujarat State or the officer designated under clause (i) of paragraph (B) of Class-I of sub-section (1) of section 16;

(iv) the Director of Technical Education, Gujarat State or the officer designated under clause (ii) of paragraph (B) of Class-I of sub-section (1) of section 16;

(v) the Director of Health and Medical Services and Medical Education, Gujarat State, or the officer designated under clause (iii) of paragraph (B) of Class-I of sub-section (1) of section 16;

(vi) two Deans of Faculties nominated by the Vice-Chancellor from amongst the Deans of Faculties by rotation in the manner prescribed by the Statutes;

(vii) two persons to be elected by the Court from amongst its members who are not teachers or members of the teaching staff of the University affiliated colleges, recognised institutions and approved institutions and students;

- (viii) two Principals of the affiliated colleges nominated by the Vice-Chancellor by rotation in the manner prescribed by the Statutes;
- (ix) one University professor not being a Dean of a Faculty nominated by the Vice-Chancellor by rotation in the manner prescribed by the Statutes;
- (x) one Reader nominated by the Vice-Chancellor by rotation in the manner prescribed by the Statutes;
- (xi) two persons to be nominated by the Chancellor from amongst distinguished educationists, teachers and such other class of persons irrespective of whether they are members of the Court or not.

(2) The term of office of the elected and nominated members of the Executive Council shall be three years :

Provided that a member nominated under clauses (vi), (viii), (ix) and (x) or elected under clause (vii) of sub-section (1) shall cease to hold office as such member if he ceases to be a Dean, a Principal, a University Professor, a Reader or, as the case may be, a member of the Court.

20. (1) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council shall exercise the following powers and perform the following duties, namely :-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by or under this Act and the Statutes or the advice of the Finance Committee and the Legal Committee, if any appointed by the Executive Council;
- (iii) to determine the form, and provide for the custody and regulate the use, of the common seal of the University ;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to pass the annual financial estimate of the University;
- (vi) after the financial estimates are voted-
 - (a) to reduce the amount of the budget grant;
 - (b) to sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head, or
 - (c) to sanction the transfer of any amount not exceeding five thousand rupees within a minor head from one

Powers and
duties of the
Executive
Council.

- subordinate head to another or from one primary unit to another;
- (vii) to make provision for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
 - (viii) to accept, on behalf of the University, bequests, donations and transfers of any movable or immovable property to the University;
 - (ix) to transfer any movable or immovable property on behalf of the University;
 - (x) to raise loans on the security of the assets of the University;
 - (xi) to manage and regulate the finances, accounts and investments of the University;
 - (xii) to institute and manage –
 - (a) Printing and Publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau,
 - (d) Employment Bureau, and
 - (e) such other institutions and organisations as may be necessary for the functioning of the University;
 - (xiii) to make provision –
 - (a) for extra mural teaching and research,
 - (b) for physical education, National Cadet Corps, National Service Scheme and Military training and such other recognised activities;
 - (xiv) to manage colleges, departments, institutions of research or specialised studies, laboratories, libraries, museums and hostels maintained by the University;
 - (xv) to recognise hostels, to inspect such hostels and to withdraw recognition therefrom;
 - (xvi) to provide housing accommodation for University teachers and other employees, to the extent the finances of the University permit;
 - (xvii) to register high schools situated outside the University areas as may be provided by the Statutes;
 - (xviii) to arrange for, and to direct, the inspection of affiliated colleges, recognised institutions, approved institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and in case of disregard of such instruction to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;

- (xix) to call for reports, returns and other information from colleges, recognised institutions, approved institutions or hostels;
- (xx) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments and recognised and approved institutions and to make arrangements for promoting their health and general welfare and to take disciplinary action against the students;
- (xxi) to institute and confer honorary degrees and academic distinctions in the manner prescribed by the Statutes;
- (xxii) to recommend to the State Government for withdrawal or reduction of a grant to a college which makes default in carrying out the conditions of affiliation;
- (xxiii) to regulate the fees to be paid by the students in affiliated colleges and recognised or approved institutions;
- (xxiv) to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (xxv) to appoint academic, administrative and other staff of the University, to fix their emoluments and define their duties and the conditions of their services and to take disciplinary action against them;
- (xxvi) to recognise a member of the staff of an affiliated college or recognised institution or approved institution as professor, reader, lecturer or teacher of the University and withdraw such recognition;
- (xxvii) to fix remuneration of examiners and to arrange for the conduct and for publishing the results of the University examinations and other tests;
- (xxviii) to fix demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxix) to lay down and regulate salary scales, allowances and conditions of service of officers (other than the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University;
- (xxx) to lay down and regulate salary scales, allowances and conditions of service of the members of the teaching, other academic and non-teaching staff of the affiliated colleges recognised or approved institutions;
- (xxxi) to make provision for instruction, teaching and training in such branches of learning and courses of studies as it may think fit and for research and for the advancement and dissemination of knowledge;

- (xxxii) to make such provision as will enable affiliated colleges and recognised or approved institutions to undertake specialisation of studies;
 - (xxxiii) to organise and make provision for common laboratories, libraries, museums and other requirements for teaching and research;
 - (xxxiv) to establish and maintain departments and institutes of research and specialised studies;
 - (xxxv) to institute professorships, readerships, lecturerships and other posts of teachers required by the University;
 - (xxxvi) to institute and confer degrees, titles, diplomas and other academic or professional distinctions;
 - (xxxvii) to make, amend or repeal the Statutes and Ordinances;
 - (xxxviii) to elect office bearers and authorities as provided in the Ordinances and the Statutes;
 - (xxxix) to make provision relating to the use of Gujarati, Hindi (in Devnagari script) and English or all the three languages as the media of instruction and examination;
 - (xli) to submit to the State Government proposals for conferment of autonomy on any affiliated college or a recognised institution or a University Department or a University college entitling it to privileges in the matters of admission of students, prescribing the courses of study, imparting instructions, teaching and training in the courses of study, the holding and conduct of examinations and power to make necessary rules for the purpose;
 - (xli) to recommend to the State Government withdrawal of autonomy conferred on any affiliated college, recognised institution or a University college or Department;
 - (xlii) to sanction the transfer of any immovable property;
 - (xliii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations;
 - (xliv) to exercise all powers of the University not otherwise provided for in this Act, or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.
- (2) The Executive Council shall make a report of every case of acceptance of property referred to in clause (viii) of subsection (1) to the Court.
- (3) The Executive Council shall not transfer any immovable property without the previous sanction of the State Government and no transfer of immovable property which is not made with such previous sanction shall be binding on the University.

- (4) The Executive Council may by Ordinance appoint committees to carry out its administrative work and define their constitution, functions and tenure.
- (5) The exercise of the powers by the Executive Council under clauses (xxix) and (xxx) of sub-section (1) in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised or approved institutions, shall be subject to the approval of the State Government.
21. (1) The Academic Council shall be the academic body of the University and shall consist of the following persons, namely : -
- (i) The Vice-Chancellor, *ex-officio* Chairperson,
 - (ii) The Pro-Vice-Chancellor, if any, *ex-officio*,
 - (iii) The Deans of Faculties, *ex-officio*,
 - (iv) The Heads of University Departments, *ex-officio*,
 - (v) One lecturer to be nominated by the Vice-Chancellor from each faculty by rotation in the manner prescribed by the Statutes,
 - (vi) One representative of Heads of recognised institutions and four Principals of affiliated colleges nominated by the Vice-Chancellor by rotation in the manner prescribed in the Statutes:
- Provided that -
- (a) Where only one of the offices of the Principals of affiliated colleges is held by a woman, such woman shall be nominated as one of the four Principals, and
 - (b) Where more than one offices of Principals of affiliated colleges are held by women, one out of those women shall be nominated by the Vice-Chancellor by rotation in the manner specified by the Statutes, as one of the four Principals;
 - (vii) not more than fifteen Chairpersons of Boards of Studies nominated by the Vice-Chancellor by rotation in the manner specified in the Statutes.
- (2) As soon as the Academic Council is constituted under sub-section (1), it may co-opt as its additional members two eminent persons who are experts in any of the subjects taught in the University, whether they are or are not connected with the University as its members, teachers or otherwise:
- Provided that a member specified in any of the clauses (iii) to (vii) of sub-section (1) shall cease to hold office as such member if he

The Academic Council.

ceases to be a Dean of Faculty, Head of University Department, Professor, Reader, Lecturer, Head of a recognised institution, Principal of an affiliated college or, as the case may be, the Chairperson of a Board of Studies.

- (3) The term of office of the members of the Academic Council other than *ex-officio* members shall be one year.

**Powers and duties
of Academic
Council.**

22. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations conducted by the University.
- (2) Without prejudice to the generally of the foregoing provisions and subject to such conditions as may be prescribed by or under the provisions of this Act ; the Academic Council shall exercise the following powers and perform the following duties, namely :-
- (i) to approve Regulations made by the Faculty concerned laying down courses of study ;
 - (ii) to approve Regulations made by the faculty concerned regarding the special courses of study;
 - (iii) to arrange for co-ordination of studies and teaching in affiliated colleges, recognised institutions and approved institutions;
 - (iv) to promote research within the University ;
 - (v) to approve proposals for allocating subjects to the Faculties;
 - (vi) to make proposals for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories,
 - (vii) to approve and to recommend to the Executive Council, proposals for the institution of professorships, readerships, lecturerships and any other posts of teachers required by the University and for prescribing the duties of such posts;
 - (viii) to approve and to recommend to the Executive Council proposals for the institution of fellowships, travelling fellowships, scholarships, studentships and medals and other awards and to make regulations for their award;
 - (ix) to make Regulations regarding the examinations of the University and the conditions on which students shall be admitted to them;
 - (x) to make and approve Regulations prescribing the equivalence of examinations;
 - (xi) to approve Regulations prescribing the manner of granting exemption from approved courses of study in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates;

- (xii) to recommend to the Executive Council, affiliation of a college and recognition or approval of an institution;
- (xiii) to recommend to the Executive Council, the institution, conferment and grant of degrees, diplomas and certificates in the manner prescribed by the Statutes;
- (xiv) to recommend to the Executive Council, the conferment of honorary degrees and other academic distinctions, in the manner prescribed by the Statutes;
- (xv) to recommend to the Executive Council, the institution of Departments and Faculties;
- (xvi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations; and
- (xvii) generally to advise the University on all academic matters.

23. (1) The University shall include the Faculties of Arts, Education, Science, Technology including Engineering, Law, Medicine, Commerce and Rural Studies and such other Faculties as may be prescribed by the Statutes. Each faculty shall comprise of such subjects as may be prescribed by the Statutes.
- (2) Each Faculty shall consist of –
- (i) all Chairpersons of the Boards of Studies of the subjects comprised in the Faculty;
 - (ii) Heads of University Departments of subjects comprised in the Faculty who are not Chairpersons of the Boards of Studies.
 - (iii) one member to be nominated by the Vice-Chancellor by rotation in the manner specified by the Statutes from amongst the members of each Board of Studies for the subjects comprised in the Faculty, other than the Chairpersons and the Heads of University Departments, and
 - (iv) one person to be co-opted by the Faculty in respect of each Department in the Faculty from amongst such persons who are experts in the subjects dealt with by the Department.
- (3) (a) Where a Chairperson of the Board of Studies or a Head of University Department or a teacher, by virtue of the provisions of sub-section (2), becomes a member of more than one Faculty, he shall, within one month from the date on which he becomes a member of more than one Faculty, intimate in writing to the Registrar any one of such Faculties the membership of which he desires to retain. On receipt of such intimation by the Registrar, the person shall be deemed to have ceased to be a member of other Faculties.

**Faculties and
their functions.**

- (b) If the Chairperson of the Board of Studies, the Head of University Department or the teacher, who is required under clause (a) to give intimation, fails to give such intimation, the Executive Council shall determine the Faculty of which such person shall be a member and on such determination, the person shall be deemed to have ceased to be a member of other Faculties.
- (4) The term of the office of a member of a Faculty shall be such as may be prescribed by the Statutes.

**Powers and
duties of the
Faculty.**

24. (1) Each Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and examinations of the University for subjects comprised in it.
- (2) Without prejudice to the generality of the foregoing provisions and subject to such conditions as may be prescribed by or under the provisions of this Act, the Faculty shall exercise the following powers and perform the following duties, namely :-
- (i) to make Regulations in consultation with the Boards of Studies concerned laying down courses of study in the Faculty;
 - (ii) to make Regulations regarding the special courses of study in the Faculty;
 - (iii) to make Regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at such examinations;
 - (iv) to make proposals for promoting research in the subjects assigned to the Faculty;
 - (v) to make proposals for allocating subjects to the Faculty;
 - (vi) to make proposals for the establishment of departments, institutions of research and specialised studies, libraries, laboratories and museums concerned with the Faculty;
 - (vii) to make proposals for the institution of professorships, readerships, lecturerships and any other posts of teachers in the Faculty and for prescribing the duties of persons occupying such posts;
 - (viii) to make proposals for the institution of fellowships, traveling fellowships, scholarships, studentships, medals, prizes and other awards and to make Regulations for their grant;
 - (ix) to make Regulations for maximum workload of teachers, the minimum teaching work for every subject and the minimum laboratory work and any other prescribed work to be done by students for any subject in the Faculty;
 - (x) to make Regulations prescribing equivalence of examinations;

- (xi) to make Regulations prescribing the manner for granting exemption from approved courses of study in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates in the Faculty;
 - (xii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations; and
 - (xiii) generally to advise the University on all academic matters pertaining to the concerned courses of studies in the Faculty.
- 25.** (1) There shall be a Dean of each Faculty who shall be nominated by the Vice-Chancellor by rotation in the manner as prescribed by the Statutes from amongst persons who are Heads of University Departments and Chairpersons of Boards of Studies.
- (2) The Dean shall hold office for a term of three years.
- (3) The Dean shall be the principal executive authority of the Faculty, and shall exercise the following powers and perform the following duties, namely:-
- (i) he shall be the Chairperson of the Faculty and shall preside at its meetings;
 - (ii) he may attend the meeting of any Board of Studies in the Faculty;
 - (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
 - (iv) he shall plan and organise seminars, refresher courses and workshops, pertaining to the subjects under the Faculty;
 - (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and approved institutions in respect of subjects under the Faculty, and in case where he considers it necessary to do so, also make a report of such inspection to the Vice-Chancellor;
 - (vi) he shall be responsible for the due observance of the Statutes, the Ordinances and the Regulations relating to the Faculty.

- 26.** (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.
- (2) Subject to the provisions of sub-section (3), each Board shall consist of the following members, namely :-
- (i) the Head of the University Departments in the subject or each of subjects with which the Board is concerned (hereinafter in this section referred to as "the subject");

Dean of Faculties.**Board of Studies.**

- (ii) not more than ten persons nominated by the Vice-Chancellor by rotation in the manner prescribed by the Statutes from amongst the Principals and the teachers of affiliated colleges;
- (iii) not more than such four persons to be co-opted by the Board who are –
 - (a) experts in the subject or in subjects cognate or allied to the subject; and
 - (b) experts in the profession or industry concerned with the subject.
- (3) Each Board shall consist of atleast four members:

Provided that where the number is less than four, the Vice-Chancellor shall nominate such number of members, as may be necessary to make up the deficiency subject, however, to the condition that the total number of co-opted and nominated members shall not exceed three.
- (4) The Head of the University Department shall be Chairperson of the Board:

Provided that –

 - (a) where there are on the Board more than one University departments represented by its Head, the Head of such University department as may be determined by the Vice-Chancellor shall be the Chairperson of the Board;
 - (b) where there is no such Head of the University department on the Board; the Chairperson shall be elected by such of its members as are qualified to teach post-graduate courses.
- (5) The term of office of the members of the Board of Studies shall be three years.
- (6) The powers and duties of a Board of Studies shall be as follows, namely :–
 - (i) to recommend courses of studies in the subject with which the Board is concerned (hereinafter in this section referred to as "the subject");
 - (ii) to recommend and prescribe, where necessary, books for study in the subject;
 - (iii) to recommend programmes for extension services and research in the subject ;
 - (iv) to recommend organisation of seminars, refresher courses and workshops to the Dean of the Faculty concerned;
 - (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject;
 - (vi) to recommend schemes for preparation and translation for books in the subject and suggest bibliography of books for study;

- (vii) to frame and propose Regulations pertaining to the courses of study and examination in the subject;
 - (viii) to review periodically the terminology current in the subject; and
 - (ix) to exercise such other powers and duties as may be prescribed by the Statutes.
- (7) A Board of Studies shall meet at least twice during an academic term as determined by the Ordinances.

27. (1) There shall be a Finance Committee.
Finance Committee.
- (2) The constitution of such committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed by the Statutes.
- (3) The Finance Committee shall perform the following functions, namely : -
- (a) to review the expenditure incurred by the University;
 - (b) to ensure proper utilization of the money by the University according to the budget provisions;
 - (c) to review the position of financial resources of the University;
 - (d) to formulate budget programmes;
 - (e) to recommend economy in administrative expenses;
 - (f) to perform such other functions relating to accounts and audit of the revenue and expenditure of the University as may be assigned to it by the Executive Council; and
 - (g) to advise the Executive Council in financial matters whenever such advice is sought by the Executive Council.

28. (1) The University shall establish a Board of University Teaching and Research, a Board of Extra-Mural Studies, a Board for Hostels Management, a Planning Board, a Board for Students' Welfare and such other Boards as may be prescribed by the Statutes.
University Boards.

(2) The constitution, powers and duties of each of the Boards established under sub-section (1) shall be such as may be prescribed by the Statutes.

29. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.
Constitution, powers, etc. of bodies.

CHAPTER V
STATUTES, ORDINANCES AND REGULATIONS

- Statutes.** 30. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely : -
- (i) conferment of honorary degrees,
 - (ii) holding of convocations to confer degrees,
 - (iii) powers and duties of the officers of the University,
 - (iv) constitution, powers and duties of the authorities of the University, save as provided in this Act,
 - (v) institution and maintenance by the University of departments, institutes of research or specialised studies, post-graduate centres in affiliated colleges and hostels,
 - (vi) acceptance and management of bequests, donations and endowments,
 - (vii) registration of graduates and maintenance of register of registered graduates,
 - (viii) procedure at meetings of the authorities of the University and for the transaction of their business,
 - (ix) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognised institutions,
 - (x) the maximum number of students to be admitted in a college,
 - (xi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes,
 - (xii) suitable and adequate physical facilities such as buildings, laboratories, library, books, equipments required for teaching and research, hostels,
 - (xiii) all matters which by this Act are to be or may be prescribed by the Statutes.

- Making, amendments, operation and repeal of Statutes.** 31. (1) The Statutes may be made by the Executive Council, or may be amended, repealed or added to by the Executive Council in the manner hereinafter provided.
- (2) The Executive Council may take into consideration the draft of a Statute either of its own motion or on a proposal by any other University authority.
- (3) Such draft shall be considered by the Executive Council at its next succeeding meeting. The Executive Council may approve such draft and pass the Statute or may reject it or return it to the concerned University authority for reconsideration either in whole or in part together with any amendment which the Executive Council may suggest. After any draft so returned has been further considered by the concerned University authority together with any amendment

suggested by the Executive Council, it shall be again presented to the Executive Council with the report of the concerned University authority thereon and the Executive Council may then deal with the draft in any manner it thinks fit.

- (4) Where a draft of a Statute seeks to provide for academic matters or matters relating to discipline of teachers or students, the Executive Council shall, before passing such Statute, consult the Academic Council.
- (5) Where a Statute affects the powers or duties of any officer, authority or Board of the University –
 - (i) the Executive Council shall, before proposing the draft of such Statute ascertain and consider the views of the officer, authority or Board concerned; and
 - (ii) the Executive Council, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned.
- (6) Every Statute passed by the Executive Council shall be presented to the Chancellor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.
- (7) No Statute passed by the Executive Council shall have validity until assented to by the Chancellor.

32. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely :-

Ordinances.

- (i) conditions under which students shall be admitted to courses of studies for degrees, diplomas and other academic distinctions,
- (ii) conditions governing the appointment and the duties of examiners,
- (iii) conduct of examinations,
- (iv) recognition of teachers of the University,
- (v) conditions of residence, conduct and discipline of the students of the University,
- (vi) recognition of hostels,
- (vii) inspection of affiliated colleges, recognised institutions, approved institutions and hostels,
- (viii) rules to be observed and enforced by colleges and recognized institutions and approved institutions in respect of transfer of students,
- (ix) mode of execution of contracts or agreements for, or on behalf of the University,
- (x) all matters which, by this Act or the Statutes are to be or may be provided for by the Ordinances, and

(xi) generally all matters for which provision is in the opinion of the Executive Council necessary for the exercise of the powers conferred or the performances of the duties imposed upon the Executive Council by this Act or the Statutes.

**Making of
Ordinances.**

33. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 32 or any other matter connected with the maintenance of the standards of teaching and examinations within the University shall be made unless a draft of the same has been proposed by the Academic Council.

(2) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (1) but may reject it or return it to the Academic Council for reconsideration, either in whole or in part together with any amendment which the Executive Council may suggest.

(3) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct.

**Regulations and
rules.**

34. (1) The Academic Council and subject to the approval of the Academic Council, each Faculty may make Regulations consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for by Regulations and for all other matters solely concerning itself.

(2) Any authority of the University, specified in clauses (v) to (viii) of section 15 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all other matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any Authority shall have effect from such date as the authority making the Regulations or rules may direct:

Provided that a Regulation or a rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI

AFFILIATION, RECOGNITION AND APPROVAL

Affiliation.

35. (1) A college applying for affiliation to the University shall send a letter of application to the Registrar, not later than 31st March of the year preceding the year in which the college is proposed to be started:

Provided that, on the recommendation of the Vice-Chancellor, the Executive Council may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain a letter of application sent to the Registrar after 31st March.

- (2) A college applying for an affiliation shall satisfy the Executive Council and the Academic Council -
- (a) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provisions for the same type of education made by other colleges in that locality and the suitability of the locality where the college is to be established;
 - (b) that the college is to be under the management of regularly constituted governing body;
 - (c) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision in the courses of instructions, teaching or training to be undertaken by the college;
 - (d) that there are or shall be made suitable and adequate physical facilities such as buildings, laboratories, library, books, equipments required for teaching and research, hostels, as may be prescribed in the Statute;
 - (e) that due provision is made or shall be made as far as circumstances may permit, for the accommodation of the Principal and other members of the teaching staff in or near the college or the place provided for the residence of the students;
 - (f) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working;
 - (g) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interest of the education;
 - (h) that for recruitment of the Principal and members of the teaching staff of the college, there is a selection committee of the college which shall include-
 - (i) in the case of recruitment of the Principal, a representative of the University nominated by the Vice-Chancellor, and
 - (ii) in the case of recruitment of a member of the teaching staff of the college, a representative of the University nominated by the Vice-Chancellor and the Head of the Department, if any, concerned with the subject to be taught by such members :

Provided that nothing in this clause shall apply to a Government college, a college maintained by Government or a college established and administered by minority based on religion or language;

- (i) that the college shall comply with the Statutes, Ordinances and Regulations providing for conditions of service including salary scales and allowances of the teaching and other academic and non-academic staff of an affiliated college, not being a Government college or a college maintained by the Government.
- (j) such other conditions as may be prescribed in the Statutes in accordance with the provisions of this Act.
- (3) The application shall contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirement not being fulfilled or continued to be fulfilled shall be forthwith report to the Executive Council.
- (4) On receipt of a letter of application under sub-section (1), the Executive Council shall –
 - (a) direct a local inquiry to be made by a competent person or persons authorised by the Executive Council in this behalf in respect of the matters referred to in sub-section (2) and such other matters as may be deemed necessary and relevant;
 - (b) make such further inquiry as may appear to it to be necessary;
 - (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
 - (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry under clauses (a) and (b);

Provided that where the views of the Academic Council with regard to the affiliation of a college are not acceptable to the Executive Council, the Executive Council shall refer the matter again to the Academic Council, with or without its comments, and the Academic Council shall communicate again to the Executive Council its views with regard to the affiliation of the college.
- (5) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council, relating thereto to the State Government which shall after such inquiry as may appear to it to be necessary, grant or refuse the application or any part thereof.
- (6) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded.
- (7) As soon as possible after the State Government makes its order, the Registrar shall submit to the Executive Council and the Academic Council a full report regarding the application, the action taken

thereon under sub-sections (4) to (6) and of all proceedings connected therewith:

- (8) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (6).
- (9) Every college, not being a college established and administered by a minority whether based on religion or language which immediately before the commencement of this Act was affiliated to the Gujarat University and is on such commencement affiliated to the University shall as and when occasion first arises after such commencement for recruitment of the Principal and the teachers of the college, constitute or reconstitute its selection committee in conformity with the requirements mentioned in clause (h) of sub-section (2) as if the said college had been affiliated subject to the condition in the said clause (h).

36. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 35 shall as far as possible be followed.

Extension of affiliation.

- 37. (1) The Executive Council shall have the power, after consultation with Academic Council, to recognise as a recognised institution any institution of research or specialised studies other than a college.
- (2) An institution which desires to have such recognition shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :
 - (a) constitution and personnel of the managing body;
 - (b) subjects and courses in regard to which recognition is sought;
 - (c) accommodation, equipment, library facilities and the number of students for whom provision has been or is proposed to be made;
 - (d) the strength of the staff, their qualifications and salaries and the research work done by them;
 - (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipments and for the continued maintenance and efficient working of the institution.
- (3) Before taking the application into consideration, the Executive Council may call for any further information which it may deem necessary.
- (4) If the Executive Council decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Executive Council shall, after obtaining the opinion of the Academic Council, grant or refuse the application or any part thereof. Where the application or

Recognition of institutions of research and specialised studies.

any part thereof is granted, the Executive Council shall specify the subjects and courses of instructions in respect of which the institution is recognised and make a report to that effect to the Academic Council at their next succeeding meeting. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

**Approval of
Institution.**

38. (1) The Executive Council shall have the power, after consultation with the Academic Council, to approve an institution as an "approved institution" for specialised studies, laboratory work, internship, research or academic work approved by the Academic Council, under the guidance of a single qualified teacher.
- (2) An institution which desires to have such approval shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :-
- (a) the name, qualifications, experience and research work of the teacher under whom approved work is to be done;
 - (b) the nature of work or the subjects for which work is proposed to be done;
 - (c) accommodation, equipment, library facilities, and the number of students for whom provision has been made or is proposed to be made ;
 - (d) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipments and for the continued maintenance and efficient working of the institution.
- (3) Before taking the application into consideration, the Executive Council may call for any further information which it may deem necessary.
- (4) If the Executive Council decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Executive Council shall, after obtaining the opinion of the Academic Council, grant or refuse the application or any part thereof.

**Inspection of
colleges and of
institutions and
report.**

39. (1) Every affiliated college, recognised institution and approved institution shall furnish such reports, returns and other information as the Executive Council after consulting the Academic Council may require to enable it to judge the efficiency of the college or institution.
- (2) On a direction by the Executive Council in that behalf, it shall be the duty of the Inspection Committee constituted under section 57 to inspect an affiliated college or, as the case may be, a recognised or approved institution and to make a report to the Executive Council.
- (3) The Executive Council shall cause every such college or institution to be inspected from time to time by the Inspection Committee.

- (4) The Executive Council may call upon any college or institution so inspected to take within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (2) of section 35 and sub-section (2) of section 37 or, as the case may be, sub-section (2) of section 38.
- 40.** (1) Every affiliated college and recognised or approved institution shall, in respect of the medium of instruction, teaching, training and examination therein, comply with the provisions made in that behalf by this Act, and the Statutes, Ordinances and Regulations.
- (2) If any affiliated college or recognised or approved institution contravenes the provisions of sub-section (1), then notwithstanding anything contained in the other provisions of this Act –
- (a) the rights conferred on such college or institution by the affiliation, recognition, or approval shall stand withdrawn from the date of such contravention ; and
 - (b) such college or institution shall cease to be an affiliated college or recognised or approved institution for the purposes of this Act.
- (3) If any affiliated college or recognised or approved institution affected by sub-section (2), raises any dispute as to the withdrawal of its rights of affiliation or recognition or approval, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.
- 41.** (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (2) of section 35 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.
- (2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Executive Council. The member of the Executive Council who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.
- (3) Before taking the said motion into consideration, the Executive Council shall send a copy of the notice and written statement mentioned in sub-section (2) to the Principal of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Executive Council:
- Provided that the period so specified may, if necessary, be extended by the Executive Council.
- (4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Executive Council, after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorised by the Executive Council in this behalf, and such further inquiry as may
- Affiliated colleges,
recognised and
approved
institutions to
comply with
provisions
pertaining to
medium of
instruction.**
- Withdrawal of
affiliation.**

appear to it to be necessary and after consulting the Academic Council, shall record its opinion in the matter:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the rights conferred by affiliation are not acceptable to the Executive Council, the Executive Council shall, before passing such resolution, refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again to the Executive Council its views in the matter.

- (5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit, and communicate the same to the Executive Council.
- (6) Where by an order made under sub-section (5), the rights conferred on any college by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.
- (7) The Executive Council may, on recommendation of the Academic Council, recommend to the State Government withholding or reduction of a grant to an affiliated college which, on a report by an Inspection Committee or otherwise, is found making persistent default in carrying out the conditions of affiliation.

**Withdrawal of
recognition.**

42. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.
- (2) A motion for such withdrawal or suspension shall be initiated only in the Executive Council. The member of the Executive Council who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.
- (3) Before taking the said motion into consideration, the Executive Council shall send a copy of the notice and written statement mentioned in sub-section (2) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Executive Council:

Provided that the period so specified may, if necessary, be extended by the Executive Council.

- (4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Executive Council, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Executive Council in this behalf and after such further inquiry as may

appear to it to be necessary, and after consulting the Academic Council, may by a resolution withdraw or suspend recognition.

43. (1) The right conferred on an institution by approval may be withdrawn or suspended for any period by the Executive Council if the institution has failed to observe any condition of its approval or the work assigned to it is conducted in a manner which is prejudicial to the interest of education, or the teacher recognised by the University leaves the institution.
- (2) Before making an order under sub-section (1) in respect of any approved institution, the Executive Council shall, by notice in writing, call upon the institution to show cause within one month from the date of the receipt of the notice by it, why such an order should not be made. The period so given for showing the cause may, if necessary, be extended by the Executive Council.
- (3) On receipt of the explanation, if any, made by the institution in reply to the notice, and where no such reply is received, on the expiry of the period referred to in sub-section (2), the Executive Council shall, after consulting the Academic Council and after such inquiry, if any, as may appear to it to be necessary, decide whether the approval should be withdrawn, modified, or, as the case may be, suspended and make an order accordingly.

Withdrawal of
approval.

CHAPTER VII

AUTONOMOUS COLLEGES, AUTONOMOUS INSTITUTIONS AND AUTONOMOUS UNIVERSITY DEPARTMENTS

44. (1) Any affiliated college or University college or recognised institution or a University Department may, by a letter addressed to the Registrar, apply to the Executive Council to allow the college, institution or, as the case may be, Department to enjoy autonomy in the matters of admission of students, prescribing the courses of studies, imparting instructions and training, holding of examinations and the powers to make necessary rules for the purpose (hereinafter referred to as "the specified matters").

Conferment of
autonomy on
colleges, etc. in
certain matters.

- (2) Either on receipt of a letter of application under sub-section (1) or where it appears to the Executive Council that the standards of education in any affiliated college or University college or recognised institution or University Department are so developed that it would be in the interest of education to allow the college, institution or department to enjoy autonomy in the specified matters, on its own motion, the Executive Council shall -
- (a) for the purpose of satisfying itself whether the standards of education in such college, institution or department are so developed that it would be in the interest of education to allow the college, institution or department to enjoy autonomy in the specified matters -

- (i) direct a local enquiry to be made by such body of persons authorised by the Executive Council in this behalf out of whom at least one person shall be a representative of the University Grants Commission; and
- (ii) make such further inquiry as may appear to it to be necessary;
- (b) after consulting the Academic council on the question whether the college, institution or department should be allowed to enjoy autonomy in the specified matters and stating the result of the inquiry under clause (a) record its opinion on that question.
- (3) The Registrar shall thereupon submit proposals for conferring such autonomy on such college, institution or department and all proceedings, if any, of the Academic Council, and the Executive Council relating thereto, to the State Government.
- (4) On receipt of the proposals and proceedings under sub-section (3), the State Government, after such inquiry as may appear to it to be necessary, may sanction the proposals or reject the proposals.
- (5) Where the State Government sanctions the proposals, it shall by an order published in the *Official Gazette*, confer on the college, institution or department specified in the proposals, power to regulate the admission of students to the college, institution or, as the case may be, the department, prescribing the course of studies in the college, institution or department, the imparting of instructions, teaching and training in the course of studies, the holding of examinations and such other powers as may have been specified in the proposals.
- (6) A college, recognised institution or University Department exercising the powers under sub-section (5) shall be called an autonomous college, autonomous recognised institution or, as the case may be, autonomous University Department.
- (7) In the case of an autonomous college, autonomous recognised institution or autonomous University Department, the University shall continue to exercise general supervision over such college, institution or department and to confer degrees on the students of the college, institution or department passing any examination qualifying for any degree of the University.

Standing Committee.

45. (1) For the purpose of enabling it to exercise the power conferred on it under section 44, an autonomous college, autonomous recognised institution or autonomous University Department shall appoint a Standing Committee consisting of such members, including the Chairperson, as may be prescribed by the Statutes.
- (2) The Standing Committee shall exercise such of the powers of the college, institution or department under section 44, as the college, institution or department may delegate to it.

- (3) The Standing Committee may appoint a special committee or committees for the purpose of exercising such powers and performing such functions of an authority of the University other than the Court, the Executive Council and the Academic Council, in relation to the college, institution or department as the Standing Committee may, subject to such conditions as it thinks fit to impose, assign to it or them.
46. (1) Every autonomous college, institution or department shall furnish such reports, returns and other information as the Executive Council may require to enable it to judge the efficiency of the college, institution or department.
- (2) The Executive Council shall cause every autonomous college, institution or department to be inspected from time to time by the Inspection Committee referred to in section 57 or by one or more competent persons authorised by it in this behalf.
47. (1) Where in respect of an autonomous college, institution or department, the Executive Council is of opinion that the efficiency of the college, institution or department has so deteriorated that in the interest of education, it is necessary to withdraw the powers conferred on the college, institution or department under section 44, the Executive Council shall send an intimation to that effect to the Principal of the college, or head of the institution or department stating that any explanation in writing submitted within the period specified in the intimation on behalf of the college, institution or department will be considered by the Executive Council:
- Provided that the period so specified may, if necessary be extended by the Executive Council.
- (2) On receipt of the explanation or on the expiry of the period referred to in sub-section (1), the Executive Council, after considering the explanation, if any, and after such inspection by a competent person or persons authorised by the Executive Council in this behalf and such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall pass a resolution recommending the withdrawal of powers conferred under section 44:
- Provided that no resolution of the Executive Council recommending the withdrawal of the powers conferred under section 44, shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at the meeting of the Executive Council, such majority comprising not less than one half of the members of the Executive Council.
- (3) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit and communicate it to the Executive Council.
- (4) Where in the case of an autonomous college, autonomous recognised institution or autonomous University Department, the rights conferred

Autonomous college, etc. to furnish reports, etc. and inspection of such colleges, etc.

Withdrawal of power of autonomous college, etc.

under section 44 are withdrawn by an order made under sub-section (3), the college, institution, or, as the case may be, the department shall cease to be an autonomous college, institution or department from the date specified in the order.

CHAPTER VIII

ORGANISATION WITHIN THE UNIVERSITY AREA FOR POST- GRADUATE TEACHING

**Post-graduate
instruction,
teaching and
training.**

48. (1) Within the University area all post-graduate instruction, teaching and training in such subjects as may be prescribed by the Statutes shall be conducted by the University or subject to the control of the University by such affiliated colleges or institutions as may be prescribed by the Statutes.
- (2) All post-graduate Departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.
- (3) The University may maintain University centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes and Ordinances.

**Affiliated
colleges and
institutions.**

49. The relations of the affiliated colleges, University colleges and recognised or approved institutions within the University area shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the affiliated degree colleges and recognised institutions, namely:-

- (i) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service;
- (ii) to approve the appointments of the teachers made by such colleges and institutions;
- (iii) to require each such college and institutions to contribute a prescribed quota of recognised teachers in any subject for teaching on behalf of the University;
- (iv) to co-ordinate and regulate the facilities provided and expenditure incurred by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research;
- (v) to require such colleges and institutions, when necessary, to confine the enrolment of students to certain subjects;
- (vi) to levy contributions from such colleges and institutions and make grants to them; and
- (vii) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time;

Provided that a degree college or recognised institution shall supplement such teaching by tutorial or other institution, teaching or training in a manner to be prescribed by the Regulations to be made by the Academic Council.

CHAPTER IX

ENROLMENT AND DEGREES

- 50.** No student shall be enrolled as a student of the University unless he has passed -
- (i) the Higher Secondary School Certificate Examination conducted by the Gujarat Secondary and Higher Secondary Education Board in such subjects and with such standards of attainment as may be prescribed by the Statutes, or
 - (ii) the entrance examination, if any, which may be instituted by the University with the consent of the State Government and held in such subjects and in such manner as may be prescribed by the Statutes, or
 - (iii) any other examination prescribed as equivalent to the examinations referred to in clauses (i) and (ii),
- and possess such further qualifications, if any, as may be prescribed by the Statutes :

Qualifications for enrolment of students of the University.

Provided that a student who has passed the Secondary School Certificate Examination in the tenth standard conducted by the Gujarat Secondary and Higher Secondary Education Board in such subjects and with such standards of attainment as may be prescribed by the Statutes or any other examination prescribed as equivalent to the aforesaid examination may be enrolled as a student of the University for the purpose of such diploma courses as may be prescribed by the Statutes.

Explanation. - In this section, "Higher Secondary School Certificate Examination" means the examination of the students in the twelfth standard.

- 51.** (1) Every student of the University shall reside under such conditions as may be prescribed by the Ordinances.
- (2) The University shall, as far as may be, provide to the students of the University residential accommodation in hostels of the University in accordance with the provisions made by the Ordinances.

Residence of students.

52. The Executive Council may, on the recommendation of the Academic Council, institute and confer such degrees, diplomas and other academic distinctions as may be prescribed by the Statutes.

Degrees, diplomas and other academic distinctions.

- 53.** If, on the recommendation of the Academic Council, not less than two-thirds of the members of the Executive Council recommended that an honorary degree, or other academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments a fit and proper person to receive such degree or other academic distinction and when their recommendation is supported by a majority of not less than two-thirds of the members of the Court

Honorary degree.

present at a meeting of the Court, such majority comprising not less than one half of the members of the Court and the recommendation is confirmed by the Chancellor, the Executive Council may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

54. (1) The Chancellor may, on the recommendation of the Executive Council and of the Court supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree if he has been convicted by a court of law of any offence which in the opinion of the Executive Council and the court is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.
- (2) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER X

COMMITTEES

Committee for selection of University teachers.

55. (1) There shall be committees for selection of different classes of full-time teachers of the University including tutors and demonstrators.
- (2) No person shall be appointed as full time teacher of the University except on the recommendation of the committee.
- (3) The constitutions of such committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed by the Statutes.

Examiners' Committee.

56. (1) There shall be formed every year a committee for each faculty, for the purpose of drawing up the list for appointments to University examinership, consisting of -
- (i) the Pro-Vice-Chancellor, *Ex-officio* Chairperson,
 - (ii) the Dean of the concerned Faculty,
 - (iii) the Chairperson of the Board of Studies, and
 - (iv) two members of the Board of studies nominated by the Vice-Chancellor for the year.
- (2) The list of examiners prepared by the committee shall be placed through the Academic Council before the Vice-Chancellor for his approval who may either approve or modify the same for the reasons to be recorded in writing.
- (3) The procedure to be followed by the committee shall be such as may be prescribed by the Statutes.

Inspection Committee.

57. There shall be an Inspection Committee consisting of the Pro-Vice-Chancellor or any other person nominated by the Vice-Chancellor as the Chairperson and such

other members as may be appointed by the Executive Council in accordance with the Statutes.

58. (1) There shall be a College Development Committee for the purpose of development of colleges in the University area.

College
Development
Committee.

(2) The constitution of such committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed by the Statutes.

59. (1) There shall be constituted as many joint consultative committees as for the purpose of promoting welfare of members of non-teaching staff of the University, affiliated colleges and recognised institutions as may be deemed necessary by the University.

Joint Consultative
Committee.

(2) The constitution of every such committee, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

60. (1) There shall be a Library Committee for administering, organising and maintaining the libraries and library services of the University.

Library and
Purchase
Committee.

(2) There shall be Purchase Committee for dealing with all matters pertaining to all purchases of the University in respect of such items where individual cost of each item exceeds rupees one lakh at a time.

(3) The constitution of every such committee, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

61. (1) Any of the authorities of the University referred to in section 15 may from time to time appoint such other committees consisting of such persons from amongst its members as the authority thinks fit and may refer or entrust, to any such committee for inquiry and report or for opinion any of the matters dealt with by the authority and may at any time discontinue or alter the constitution of any such committee.

Other
Committees.

(2) Notwithstanding anything contained in this Act, but subject to the approval of the appointing authority, it shall be lawful for a committee appointed under sub-section (1) to co-opt such number of persons who are not members of the appointing authority as its members as it thinks fit.

CHAPTER XI

FINANCE

62. (1) The University shall establish a fund to be called the University Fund.

University Fund.

(2) The following shall form part of, or be paid into, the University Fund:

(a) any contribution or grant by the State Government, the Union Government, or the University Grants Commission;

(b) The income of the University from all sources including income from fees and charges;

(c) bequests, donations, endowments and other grants, if any;

**Annual accounts
and financial
estimates.**

63. (1) The annual accounts of the University shall be prepared under the direction of the Executive Council and shall be submitted to the State Government for audit.
- (2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Court and to the State Government.
- (3) The Executive Council shall, having regard to the Government grants that are likely to be available, prepare before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.
- (4) The annual accounts shall be considered by the Court at its annual meeting and the Court may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit, and finally adopt the accounts. The Executive Council shall inform the Court at its next meeting of the action taken by it or if no action is taken, the reasons for taking no action.

Annual report.

64. The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at the annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Court at its next meeting of the action taken by it or if no action is taken, the reasons for taking no action.

CHAPTER XII

SUPPLEMENTARY PROVISIONS

**Conditions of
service.**

65. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

**Reservation of
posts in favour
of Scheduled
Castes, etc.**

66. In the matter of appointment of persons in the service of the University, the University shall follow the provisions made by the State Government from time to time for the reservation of appointments and posts in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services under the State Government.

II of 1934.
2 of 1882.

45 of 1860. 67. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servant.

Explanation.- For the purpose of this section, any person who is appointed by the University for a specified period or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

68. (1) No member of the teaching and other academic and non-teaching staff of a recognised or approved institution shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and until -

Dismissal, removal and reduction and termination of service of staff, etc

- (a) he has been given a reasonable opportunity of making representation on any such penalty proposed to be inflicted on him, and
- (b) the penalty to be inflicted on him is approved by the Vice-Chancellor or any other officer of the University authorised by the Vice-Chancellor in this behalf.

(2) No termination of service of such member not amounting to his dismissal or removal falling under sub-section (1) shall be valid unless-

- (a) he has been given a reasonable opportunity of showing cause against the proposed termination; and
- (b) such termination is approved by the Vice-Chancellor or any officer of the University authorised by the Vice-Chancellor in this behalf:

Provided that nothing in this sub-section shall apply to any person who is appointed for purely temporary period only.

Tribunal of Arbitration.

69. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an Umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996, and the provisions of that Act shall apply accordingly.

Reference of dispute between recognised or approved institution and its staff member to Tribunal a of Arbitration.

26 of 1996.

70. (1) Any dispute between the governing body and any member of the teaching, other academic and non-teaching staff of recognised or approved institution which is connected with the conditions of service of such member, shall, on a request of the governing body or of the member concerned be referred to a Tribunal of Arbitration consisting of one member nominated by the governing body of the recognized or approved institution, one member nominated by the member concerned and an Umpire appointed by the Vice-Chancellor.

Pension,
insurance and
provident fund.

Pension,
insurance,
provident fund
of staff of
colleges, etc.

Provident Fund
to be deposited
in Government
treasury.

Election to be
by system of
proportional
representation.

Vacating of
office.

(2) The provisions of section 69 shall there upon *mutatis mutandis* apply to such request and the decision that may be given by such Tribunal.

71. The University shall make provisions for the benefit of its officers, teachers and other servants in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

72. (1) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or institution in matters of insurance, pension and provident fund or for other benefits.

(2) The subscription of a member of a teaching staff and of other academic and non-teaching staff of an affiliated college or of a recognised institution towards his provident fund and the contribution, if any, of the college or, as the case may be, of the institution towards the fund shall be deposited in such manner and within such time as may be prescribed by the Statutes, in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a Co-operative Bank as defined in the Gujarat Co-operative Societies Act, 1961, approved by the State Government for such purpose.

73. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other servants under section 71 such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such direction as the State Government may, from time to time, by an order in writing give, and thereupon -

(i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate at which the State Government servant is for the time being entitled to on the balance in his provident fund account, and

(ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a Provident Fund established by the University to which the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 applies.

74. Every election to any authority of the University made under this Act shall be made according to the system of proportional representation by means of a single transferable vote by ballot in such manner as may be prescribed by the Statutes.

II of 1934.
Guj. X of
1962.

X of 1952.

75. (1) Any member of any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of receipt of the letter by the Vice-Chancellor whichever event occurs earlier.

(2) Any member of any authority or body of the University shall cease to be a member on his being convicted by a court of law of an offence which, in the opinion of the Executive Council, involves moral turpitude.

76. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the election, nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated, appointed or co-opted, would have held it, if the vacancy had not occurred:

Provided that, if the vacancy be of an elected member of the Court and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled.

Filling up of
casual
vacancies.

77. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Proceeding not
invalidated by
vacancies.

78. Where any question arises as to -

- (1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or rule, or
- (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University-
 - (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and
 - (b) it shall be referred to the State Government if -
 - (i) it relates to a matter specified in clause (2), or
 - (ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2); and

Disputes as to
constitution of
University
authority or body.

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

79. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage or compensation claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

Protection of acts
and orders.

80. Nothing contained in sections 65, 68, 70 and 72 shall apply to a college or institution owned or maintained by the Government.

Non-application of
sections 65, 68, 70
and 72 to
Government
college.

CHAPTER XIII

TRANSITORY PROVISIONS

Terms and conditions of employees of affiliated colleges who were holding the posts in affiliated colleges of Gujarat University.

Completion of courses of students in colleges affiliated to Gujarat University.

Appointment of first Vice-Chancellor.

Appointment of Pro-Vice-Chancellor.

Appointment of first Registrar.

Transitory powers of first Vice-Chancellor.

81. Notwithstanding anything contained in this Act, every employee of a college affiliated to this University who is holding office (whether teaching or non-teaching) of Gujarat University immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.
82. Notwithstanding anything contained in this Act or the Statutes, Ordinances and Regulations made thereunder, any student of a college affiliated to this University who, immediately before the date on which section 5 comes into force was studying or was eligible for any examination of the Gujarat University, shall be permitted to complete his course in preparation therefore, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Gujarat University.
83. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.
84. Where as soon as practicable after the commencement of this Act, the State Government decides to fill the office of the Pro-Vice-Chancellor, it shall, notwithstanding anything contained in section 12, appoint the first Pro-Vice-Chancellor for the period for which the first Vice-Chancellor is appointed under section 83 and on such terms and conditions as the State Government thinks fit.
85. Notwithstanding anything contained in section 13, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period of not exceeding three years and on such terms and conditions as the State Government thinks fit.
86. (1) It shall be the duty of the first Vice-Chancellor:-
 (a) to give recognition to institutions, if any, as far as possible consistent with the provisions of section 37; and
 (b) to make arrangements for constituting the Court, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

- (2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government,-
- (a) subject to the provisions of this Act, and the approval of the Chancellor -
- (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,
 - (ii) draw up rules, that may be necessary for regulating the method of elections to the aforesaid authorities,
- (b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.
- (3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.
- (4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.
87. (1) At any time after the commencement of this Act, until such time as the authorities of the University shall commence to exercise their functions -
- (a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,
- (b) till the Executive Council is constituted, the teachers of the University may be appointed by the Advisory Committee referred to in sub-section (2) of section 86 with the approval of the Chancellor on the recommendation of the Selection Committee consisting of the following persons, namely :-
- (i) the Vice-Chancellor,
 - (ii) a nominee of the Chancellor,
 - (iii) three experts to be appointed out of a panel of experts drawn by the Advisory Committee.
- (2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

88. The first Vice-Chancellor appointed under section 83 shall have powers until the Executive Council commences to exercise its functions -

**First appointment
of the officers of the
University.**

**Extra-ordinary
powers of the first
Vice-Chancellor.**

- (a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act, or any part thereof, to be brought into force;
- (d) with the sanction of the Chancellor, to make for a period not exceeding three years, such appointments as may be necessary to enable this Act or any part thereof, to be brought into force;
- (e) to appoint any committee as he may thinks fit, to discharge such of its functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

Power to remove difficulties.

89. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

**Amendment of
Bom. L of 1949.**

90. In the Gujarat University Act, 1949, in Schedule I, the entry at serial number 8 shall be deleted.

**Bom. L of
1949.**

S C H E D U L E
(See section 2 (18))

Kachchh District.

(C)



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 6th March, 2003).

AN ACT

to provide for the establishment of the Dhirubhai Ambani Institute of Information and Communication Technology, Gujarat by law and to confer the status of a University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Dhirubhai Ambani Institute of Information and Communication Technology Act, 2003.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Definitions. 2. In this Act, unless the context otherwise requires,-
- (a) "Academic Council" means the Academic Council of the Institute constituted under section 14;
 - (b) "Board" means the Board of Governors of the Institute constituted under section 10;
 - (c) "Chairman" means the Chairman of the Board appointed under section 11;
 - (d) "Deans" mean the Deans of the Institute appointed under section 21;
 - (e) "Director" means the Director of the Institute appointed under section 18;
 - (f) "Executive Registrar" means Executive Registrar of the Institute appointed under section 20;
 - (g) "Finance Committee" means Finance Committee of the Institute constituted under section 16;
 - (h) "Foundation" means the Dhirubhai Ambani Foundation, Mumbai;
 - (i) "Institute" means the Dhirubhai Ambani Institute of Information and Communication Technology, Gandhinagar, Gujarat, a University established under section 3;
 - (j) "Patron Trustee" means the Patron Trustee of the Dhirubhai Ambani Foundation, Mumbai;
 - (k) "President" means the President of the Institute appointed under section 7;
 - (l) "prescribed" means prescribed by the regulations;
 - (m) "Regulations" means the Regulations of the Institute made under section 32;
 - (n) "Society" means the Dhirubhai Ambani Institute of Information and Communication Technology Society, Gandhinagar, a society registered under the Societies Registration Act, 1860;

(o) "Trust" means the Dhirubhai Ambani Institute of Information and Communication Technology Society, Gandhinagar registered under the Societies Registration Act, 1860 and the Bombay Public Trust Act, 1950.

Bom. 29 of 1950.

3. (1) There shall be established a University by the name of "The Dhirubhai Ambani Institute of Information and Communication Technology, Gandhinagar, Gujarat".

Establishment
and
incorporation of
University.

(2) The President, the Board, the Academic Council, the Director, the Dean, the Executive Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body corporate by "The Dhirubhai Ambani Institute of Information and Communication Technology, Gandhinagar, Gujarat".

(3) The Institute shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or institute for the award conferment of degree, diploma and certificate of its degree to the students admitted therein.

(4) The Institute shall not have any grant in aid or other financial assistance from the Central Government, any State Government, University Grants Commission, All India Council for Technical Education or any other authority or institutions of the Central Government or any State Government.

(5) The Institute shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property; to contract and shall, by the said name, sue and be sued.

(6) In all suits and other legal proceedings by or against the Institute, the pleadings shall be signed and verified by the Executive Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Executive Registrar.

(7) The headquarters of the Institute shall be at Gandhinagar, Gujarat.

Objects of the Institute.

4. The objects of the Institute shall be to develop a culture for and bring about an awareness of Information and Communication Technology and to actively participate in the formulation and implementation of a National Action Plan for Information Technology. The objects of the Institute shall be as follows, namely :-
- (i) to create centres of excellence for imparting state-of-the-art education, training and research in the fields of information and communication technology;
 - (ii) to create capabilities for development of multimedia content and its distribution;
 - (iii) to create capabilities for upgrading information and communication technology infrastructure to the global standards;
 - (iv) to develop patterns of teaching and training at various levels of educational accomplishment so as to set a high standard of information and communication technology education and its applications;
 - (v) to function as a learning resource centre for knowledge management and entrepreneurship development in the area of information and communication technology;
 - (vi) to provide for inter-relationships for national and global participation in the field of information and communication technology and its allied fields; and
 - (vii) establish close linkage with industry to make teaching, training, and research at the Institute relevant to the needs of the economy, at national and global level.

Institute open to all irrespective of sex, religion, class, creed or opinion.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the Institute or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the institute or any benefaction thereof.

6. Subject to the provisions of this Act, the Institute shall exercise the following powers and perform the following functions, namely:-

Powers and
functions of the
Institute.

- (i) to administer and manage the Institute and such centres for research, education and instruction as are necessary for the furtherance of the objects of the Institute;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to information and communication technology and allied areas and for the advancement and dissemination of information and communication technology and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the field of information and communication technology in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode also and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the Institute may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the Regulations;

- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Regulations;
- (vii) to establish such special centers, specialized study centers or other units for research and instruction as are, in the opinion of the Institute, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;
- (ix) to sponsor and undertake research in all aspects of information and communication technology and allied areas;
- (x) to collaborate or associate with, advise, administer, control, develop, maintain, or take over by way of merger or otherwise, any educational institution with like or similar objects;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the Institute, through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, researchers, and domain experts in information and communication technology and allied areas in any part of the world for achieving the objects of the Institute;
- (xiii) to regulate the expenditure and to manage the finances and to maintain accounts of the Institute;
- (xiv) to receive funds from industry, national and international organisations or any other source as gifts, donations, benefactions, bequests and by transfers of movable and immovable properties, for the purposes and objects of the Institute;

- (xv) to establish, maintain and manage halls and hostels for the residence of students;
- (xvi) to supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Regulations;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the Institute and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the Institute, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the Institute;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the Institute or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the Institute, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

- (xxiii) to invest the funds of the Institute in or upon such securities and transpose any investment from time to time in such manner as it may deem fit;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of property, movable or immovable including Government securities belonging to the Institute or to be acquired for the purpose of the Institute;
- (xxv) to admit the students for the courses offered by the Institute in the manner prescribed by the Regulations;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the employees of the Institute and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxviii) to institute professorship, associate professorship, assistant professorship, readerships, lecturerships, and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the Institute;
- (xxx) subject to the provisions of this Act and regulations, any officer or authority of the Institute may, by order, delegate his or its powers except the power to make regulations to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating them;
- (xxxi) to do all such other acts and things as the Institute may consider necessary, conducive, or incidental to the

attainment or enlargement of all or any of the objects of the Institute.

7. (1) The Patron Trustee of the Dhirubhai Ambani Foundation shall be the President of the Institute for life at his pleasure. He may at his pleasure designate any other permanent Trustee of the Trust to be the President of the Institute.
- (2) The President shall have, subjects to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the Institute; its buildings, libraries, equipment and systems and processes and of any institution or centre maintained by the Institute, and also of the examinations, teaching, research and other work conducted or done by the Institute and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the Institute.

8. The following shall be the authorities of the Institute, namely:-

Authorities of
Institute.

- (a) the Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be declared by the Regulations to be authorities of the Institute.

9. The following shall be the officers of the Institute, namely:-

Officers of
Institute.

- (a) the Director,
- (b) the Deans,
- (c) the Executive Registrar, and
- (d) such other persons as may be declared by the Regulations to be officers of the Institute.

10. (1) The Board of Governors of the Institute shall consist of the following members, namely:-

Board of
Governors.

- (i) The President shall be the Chairman of the Board;
- (ii) two representatives of the Trust;
- (iii) Director of the Institute;
- (iv) two Deans of the Institute, by rotation, to be nominated by the Director;
- (v) Secretary to Government, Science and Technology Department, Government of Gujarat;
- (vi) three experts academicians to be nominated by the President;
- (vii) three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the President; and
- (viii) two representatives of the Industries to be nominated by the President.

(2) The Executive Registrar shall be the Secretary of the Board.

Chairman of the Board.

11. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the Institute.
- (2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.

Powers and functions of the Board.

12. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers of the Institute, and shall have the power to review the acts of the Academic Council and the Finance Committee.
- (2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely :-
- (i) to take decisions on question of policy relating to the administration and working of the Institute;
 - (ii) to institute courses of study at the Institute;

- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual accounts of the Institute for every financial year;
- (v) to invest monies and funds of the Institute and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treaties, books, periodicals, reports and other literature and to sell or arrange for the sale as it may deem fit from time to time;
- (vii) to create or abolish posts of teachers and other employees of the Institute;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate any of its powers to the Director, Deans, Executive Registrar, or any other officer, employee or authority of the Institute or to a committee appointed by it; and
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or the Regulations, and all such other powers for achieving the objects of the Institute.

13. (1) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;
- (2) an ex-officio member shall continue so long as he holds the office by virtue of which he is such member;
- (3) any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled by nomination of another person by the President;
- (4) a member nominated under sub-section (3) shall continue for the remainder of the term of a member in whose place he is nominated;

**Terms of office
and vacancies
among members
of the Board.**

- (5) an outgoing member shall be eligible for re-nomination for the next term;
- (6) a member may resign his office by writing under his hand addressed to the President but he shall continue in office until his resignation has been accepted by the President.

Academic Council.

14. (1) The Academic Council of the Institute shall consist of the following members, namely:-

- (i) the Director of the Institute, *ex officio*, who shall be the Chairman of the Academic Council;
- (ii) two academicians or professionals to be nominated by the Board;
- (iii) two external academicians or professionals in the area of information and communication technology, to be nominated by the Director;
- (iv) two Deans of the Institute, by rotation to be nominated by the Director;
- (v) one Professor from each discipline of the Institute, by rotation to be nominated by the Director; and
- (vi) the Executive Registrar who shall be the non-member Secretary of the Council.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers and functions of Academic Council.

15. Subject to the provisions of this Act, and the Regulations, the Academic Council of the Institute shall have the following powers, namely:-

- (i) to exercise control and general regulation over the academic policies of the Institute and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the Institute;

- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the Institute or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the Institute including discipline of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

16. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Director of the Institute *ex-officio* shall be the Chairman of the Committee;
- (ii) one Member of the Board to be nominated by the President;
- (iii) one Dean of the Institute by rotation to be nominated by the Director;
- (iv) one expert to be nominated by the President; and
- (v) the Executive Registrar shall be the non-member Secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

17. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the Institute and advise the Board thereon;
- (ii) to review the financial position of the Institute from time to time;

Finance Committee.

Powers and functions of Finance Committee.

- (iii) to make recommendations to the Board on all financial policy matters of the Institute;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all proposals relating to revision of scale, upgradation of the scale and those items which are not included in the budget, before they are placed before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations.

Director.

18. (a) The Director shall be appointed by the Board out of the panel of names recommended from time to time by the Committee consisting of the following members, namely:-

- (i) an eminent technologist to be nominated by the President;
 - (ii) an eminent educationist to be nominated by the President; and
 - (iii) one member of the Board to be nominated by the President.
- (b) The President shall designate one member as the Chairman of the Committee.
- (c) The term of office of the Director shall be determined by the Board for the period not exceeding five years.

- (d) Notwithstanding anything contained in clauses (a) and (c) of sub-section (1), the Director of the Institute holding the office at the commencement of this Act, shall be deemed to have been appointed as the first Director.
- (e) Where a vacancy in the office of Director occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of clauses (a) and (c) of this section and, if there is any emergency, the President, in consultation with the Board, may appoint any suitable person to be the Director and may, from time to time, extend the term for a period not exceeding one year.
- (f) The conditions of service of the Director, including salary allowances, leave, pension and provident fund shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the President.

19. (1) The Director shall be the Chief Executive and ~~Academic Officer~~ of the Institute. He shall preside over at the meetings of the Academic Council and Finance Committee.

Powers and duties of the Director.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Director shall -

- (i) exercise general supervision and control over the affairs of the Institute;
- (ii) ensure implementation of the decisions of the authorities of the Institute;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the Institute; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him under this Act or the Regulations or as may be delegated to him by the Board or the President, as the case may be.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the Institute empowered under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the Institute who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not have been taken by the Director, it may refer the matter to the Chairman who may either confirm the action taken by the Director or annul the same or modify it in such manner as he thinks fit, and thereupon it shall cease to have effect or as the case may be, shall take effect in such modified form; so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the orders of the Director.

(4) Where the exercise of the power by the Director under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of order of the Director, otherwise the same shall cease to have effect on the expiration of a period of six months from the date of order of the Director.

**Executive
Registrar.**

20. (1) The Executive Registrar shall be appointed by the Institute in such manner and on such terms and conditions as may be prescribed by the Regulations.

(2) The Executive Registrar shall exercise the following powers and perform following duties, namely :-

(i) he shall be responsible for the custody of records, common seal, the funds of the Institute and such other property of the Institute;

- (ii) he shall place before the Board and other authorities of the Institute, all such information as may be necessary for transaction of its business;
- (iii) he shall be responsible to the Director for the proper discharge of his functions;
- (iv) he shall, subject to the control of the Director, be responsible for the administration and services of the Institute and conduct the examinations and make all other arrangements necessary therefor and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all documents on behalf of the Institute; and
- (vi) he shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the Regulations or as may be delegated to him by the Board or the Director.

21. (1) The Deans of the Institute shall be appointed by the Director, with the approval of the Chairman of the Board, from amongst the Faculty of the Institute.

The Deans.

(2) The Deans shall assist the Director in managing the academic and other affairs of the Institute and shall exercise such powers and perform such functions as may be prescribed by the Regulations or be entrusted to them by the Director.

22. The Trust shall place funds at the disposal of the Institute to be called the Permanent Endowment Fund of a sum of five crores of rupees or a sum required for meeting the full operational expenditure of the Institute for three years, in long term interest bearing securities issued or guaranteed by the Central or State Government. On the termination of the involvement of the trust and after meeting the operational expenditure for three years, out of the Permanent Endowment Fund, if there is any unused balance that shall be paid back to the Trust.

Permanent
Endowment
Fund of the
Institute.

Payment to Institute.

23. The Trust may pay to the Institute from time to time such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

Funds of Institute.

24. (1) The Institute shall have its own funds consisting of -

- (i) all monies provided by the Trust;
- (ii) all fees and other charges received by the Institute;
- (iii) all monies received by the Institute by way of grants, loans, gifts, donations, benefactions, bequests or transfers;
- (iv) all monies received by the Institute from the collaborating Industry in terms of the provisions of the Memorandum of Understanding between the Institute and the Industry, for establishment of sponsored chairs, fellowships and infrastructure facilities of the Institute; and
- (v) all monies received by the Institute in any other manner or from any other source.

(2) All funds of the Institute shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance Committee.

(3) The funds of the Institute shall be applied towards the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions.

Accounts and audit.

25. (1) The Institute shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the Regulations.

(2) The Institute shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be prescribed by the Regulations.

XXVII of 1949.

(3) The Accounts of the Institute shall be audited not less than once per year by a statutory auditor who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountant Act, 1949 who shall be appointed by the Board.

(4) The Accounts of the Institute certified by the person or firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the Institute in respect thereof as it deems fit and the Institute shall comply with such instructions.

(5) The Accounts of the Institute shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The Institute shall prepare each year a report of its activities during the previous year and submit it in the form of an annual report to the Board for review and approval.

26. (1) The Institute shall, with approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions, as may be prescribed by the Regulations, such schemes of pension, provident funds and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the Institute.

Pension and
provident funds

XIX of 1925.

(2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

Acts and
proceedings not
to be invalidated
by vacancies.

27. No act or proceeding of the Board, or any authority of the Institute or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, Authority or Committee of the Institute.

Conferment of
degrees, diplomas
and grant of
certificates by the
Institute.

28. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have powers to confer degrees, diplomas and grant certificates, and confer degrees and honorary degrees, and other academic distinctions and titles, as approved by the Board.

Returns and
information.

29. The Institute shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Management of
the Institute on
dissolution of the
Trust.

30. The trust shall give a notice of not less than six months period to the State Government of its intention to dissolve the trust. Upon receipt of any notice from the Trust, the State Government shall make arrangements for administration of the Institute from the date of dissolution of the Trust and until the last batch of students in regular courses of the Institute complete their courses. The expenditure for administration of the Institute during taken-over period of its management shall be met out of the Permanent Endowment Fund of the Institute. On dissolution of the Trust, this fund shall be in the form of a corpus fund.

Powers of the
State
Government.

31. The State Government shall have powers to issue directions from time to time as may be required to be followed by the Institute under the provisions of this Act, the Regulations made thereunder and under any other law for the time being in force.

32. (1) Subject to the provisions of this Act, the Board shall have, in **Regulations**, addition to all other powers vested in it, the power to make Regulations to provide for the administration and management of the affairs of the Institute.
- (2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-
- (i) the summoning and holding of meetings of the authorities of the Institute, other than the First Meeting of the Board, and the quorum and conduct of business at such meetings;
 - (ii) the power and functions to be exercised and discharged by the President of the Board of the Institute;
 - (iii) the constitution, powers and duties of the authorities, bodies and other committees of the Institute established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
 - (iv) the procedure to be followed by the Board and any Committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;
 - (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
 - (vi) the procedure to be followed for enforcing discipline in the Institute;
 - (vii) the management of the properties of the Institute;
 - (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the Institute and withdrawal or cancellation of any such

- degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the Institute, and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the Institute for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefit of officers, teachers, and other employees of the Institute;
- (xiii) the terms and conditions applicable for association of the Institute with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the Institute;
- (xvi) the classification and procedure for appointment of officers and staff of the Institute;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director, other officers, teachers and employees of the Institute;
- (xviii) the terms and conditions governing deputation of officers and staff of the Institute;

- (xix) the powers and duties of the Director and other officers, teachers, and employees of the Institute;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein; and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

33. If any difficulty arises with respect to the establishment of the Institute or in connection with the first meeting of any authority of the Institute or otherwise in first giving effect to the provisions of this Act and the Regulations, the President of the Institute may, at any time, before all authorities of the Institute have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the Regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the Regulations:

Removal of difficulties at the commencement.

Provided that before making any such order the President may ascertain and consider the opinion of the Director and of such appropriate authority of the Institute as may have been constituted.

34. Notwithstanding anything contained in this Act,-

Transitory provisions.

- (1) the Director may, with the prior approval of the President and subject to availability of funds, discharge all or any of the functions of the Institute for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any power or perform any duties which by this Act and the Regulations are to be exercised or performed by any authority of the Institute

- until such authority comes into existence as provided by this Act and the Regulations;
- (2) the Board of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Board is constituted for the Institute under this Act, but on the constitution of the Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
- (3) the Academic Council of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Academic Council is constituted for the Institute under this Act, but on the constitution of the Academic Council under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;
- (4) the Finance Committee of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Finance Committee is constituted for the Institute under this Act, but on the constitution of the Finance Committee under this Act, the members of the Finance Committee holding office before such constitution shall cease to hold office;
- (5) until the first Regulations of the Institute are made under this Act, the existing rules and regulations of the Dhirubhai Ambani Institute of Information and Communication Technology Society, as approved by the Board as in force immediately before the commencement of this Act, shall continue to apply to the Institute, in so far as they are not inconsistent with the provisions of this Act.

Indemnity.

35. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the Institute, the Director, the authorities or officers of the Institute or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any Regulation made thereunder.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLIV]

THURSDAY, MARCH 6, 2003/PHALGUNA 15, 1924

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 2003 is hereby published for general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette," on the 6th March, 2003.

AN ACT

further to amend the Gujarat Water Supply and Sewerage Board Act, 1978.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:--

1. (1) This Act may be called the Gujarat Water Supply and Sewerage Board (Amendment) Act, 2003.

Short title
and
Commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

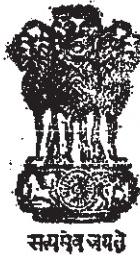
Amendment of
section 4 of
Guj. 18 of
1979.

Guj. 18 of
1979.

2. In the Gujarat Water Supply and Sewerage Board Act, 1978, in section 4, in sub-section (1), for clause (g), the following clause shall be substituted, namely:--

"(g) four members to be appointed by the State Government, from amongst persons who are experts in economics or development planning and engineering and out of such members one shall be a woman."

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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by
the Governor on the 11th March, 2003 is hereby published for general
information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2003:

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette", on the 12th March, 2003).

AN ACT

to provide for protection, conservation and development of fisheries in
inland and territorial waters of the State of Gujarat and for regulation of fishing
in the inland and territorial waters along the coast line of the State and for
matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Fisheries Act, 2003.

Short title,
extent and
commen-
cement.
- (2) It extends to the whole of the State of Gujarat, including the territorial
waters along the coastline of the State.
- (3) It shall come into force on such date as the State Government may,
by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Adjudicating Officer" means such fishery officer not below the rank of Deputy Director of Fisheries, as the State Government may appoint for the purpose of section 17;
- (b) "biological specimen" means any living or dead organisms;
- (c) "Enforcement Officer" means such fishery officer as the State Government may appoint for the purpose of section 15;
- (d) "Exotic fish" means all species of fish of any country other than India;
- (e) "fish" means any aquatic animal and aquatic vegetation in all stages of their life span;
- (f) "Fishery officer" means an officer appointed by the State Government to be Fishery officer for the purposes of this Act and includes an officer appointed to exercise the powers and perform functions of the Fishery officer;
- (g) "fishing vessel" means any type of fishing crafts whether or not fitted with mechanical device for propulsion, which is engaged in fishing;
- (h) "fishing gear" means any net, cage, trap or other contrivance used for fishing;
- (i) "Licensing Officer" means such fishery officer, not below the rank of Superintendent of Fisheries, as the State Government may appoint for the purpose of section 10;
- (j) "mariculture" means the culture of fish on the margin of sea in territorial waters;
- (k) "Fishing Harbour" means the place such as port, harbour, wharf, pier, dock, jetty and landing place where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installations, auction hall, fish processing plant and within such limits as may be specified by the State Government from time to time;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "private water" means water-
 - (i) which is the exclusive property of any person, or
 - (ii) in which any person has for the time being an exclusive right of fishing whether as owner, lessee or in any other capacity;

Explanation. - Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishing therein;

- (n) "registered fishing vessel" means a fishing vessel registered under section 12;
- (o) "Registration Officer" means such fishery officer as the State Government may appoint for the purpose of section 12;

- (p) "specified area" means the area of specified inland water or the territorial water as the State Government may, by notification in the *Official Gazette*, specify;
- (q) "specified inland water" means such inland water as the State Government may, by notification in the *Official Gazette*, specify;
- (r) "territorial waters" in relations to the State of Gujarat means any part of the open sea adjoining the coast of the State within a distance of twelve nautical miles measured in accordance with sub-section (2) of section 3 of the Territorial Waters, Continental Shelf-Exclusive Economic Zone and other Maritime Zones Act, 1976.

80 of 1976.

CHAPTER II

PROTECTION OF FISH

3. No person shall use any dynamite or other explosive substance in any water with intent thereby to catch or destroy the fish therein.

Prohibition against destruction of fish by explosive.

4. (1) No person shall put any poison, lime or noxious materials into any water with intent thereby to catch or destroy any fish therein.

Prohibition against destruction of fish by poisoning of water.

(2) The State Government may, by notification in the *Official Gazette*, suspend the operation of sub-section (1) in any specified area and may in the like manner modify or cancel any such notification.

5. No person shall introduce any exotic fish in any water with intent thereby to destroy any fish therein.

Prohibition against introduction of exotic fish.

6. (1) The State Government may, by notification in the *Official Gazette*, make rules for any water other than private waters for all or any of the following matters, namely:

Power to make rules to protect fish.

(a) Prohibiting or regulating :—

(i) the erection or use of fishing gear,

(ii) the construction of weirs, dam and bunds,

(iii) the release of any industrial waste sewage or effluent to the inland waters which may be harmful to species of fish or the food of fish.

(b) regulating the dimension and the kind of nets to be used and the mode of using them;

- (c) prohibiting all fishing in the specified waters for a period not exceeding two years;
- (d) prohibiting the use of any gun, spear, arrow or the like in any water, with intent thereby to take or destroy any of the fish therein;
- (e) prohibiting introduction of any kind of fish which may be harmful to species of fish, without obtaining prior permission;
- (f) regulating any fishery in inland waters;
- (g) to lease out public water resource for a specified period and to charge fees for such lease;
- (h) regulating the standard of sale of fish spawn, fry, fingerling and yearling;
- (i) prohibiting the fishing and marketing of the fish during closed season.

Explanation.—For the purpose of this clause, the 'closed season' means such period as the State Government may, by notification in the *Official Gazette*, specify.

(2) In making rules under this section, the State Government may provide for—

- (i) the seizure, forfeiture and removal of fishing gear erected or used in contravention of the rules;
- (ii) the forfeiture of any fish taken by means of any such fishing gear, and
- (iii) the forfeiture of fish taken or sold during the period specified in clause (i) of sub-section (1).

(3) The State Government may, by notification in the *Official Gazette*, apply such rules or any of them to any private water with the consent, in writing, of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

CHAPTER III

REGULATION OF FISHING IN SPECIFIED AREA

Powers to regulate, restrict or prohibit certain fishing activities within specified area.

7. (1) The State Government may, having regard to the matters referred to in sub-section (2), by notification in the *Official Gazette*, regulate, restrict or prohibit in any specified area,—
- (a) the fishing by such class or classes of fishing vessels and for such period as may be specified in the notification;
 - (b) the catching of such species of fish and for such period as may be specified in the notification,

- (c) the use of such fishing gears as may be specified in the notification,
- (d) the mariculture,
- (e) the collection of biological specimen, and
- (f) the number of fishing vessels which may be used for fishing.

(2) In issuing a notification under sub-section (1), the State Government shall have regard to the following matters, namely :—

- (a) the need to protect the interest of different sections of persons engaged in fishing, particularly of those engaged in fishing by use of traditional fishing craft such as catamaran, country craft or canoes,
- (b) the need to conserve fish and to regulate fishing on scientific basis,
- (c) the need to maintain law and order in the sea and on shore, and
- (d) any other matter, that may be prescribed.

8. No owner or master of a fishing vessel shall use or cause or allow to be used, a fishing vessel for fishing in contravention of the notification issued under section 7 :

Provided that nothing in such notification shall be construed as preventing the passage of any fishing vessel from or to the shore through any specified area to or from any area other than specified area, for the purpose of fishing in such other area or for any other purpose:

Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as catamaran, country crafts or canoe.

9. No fishing vessel which is not licensed under section 10 shall, after the date of commencement of this Act (hereinafter referred to as "the said date"), be used for fishing in any specified area:

Provided that nothing in this section shall apply to any fishing vessel existing on the said date for a period of six months from the said date or such longer period as the State Government may, by notification in the *Official Gazette*, specify.

10. (1) An owner of a fishing vessel may make an application to the Licensing Officer for the grant of a licence for using the fishing vessel for fishing in a specified area and for a specified period.

(2) Every application under sub-section (1) shall be in such form, contain such particulars and accompanied by such fees, as may be prescribed.

(3) The Licensing Officer may, after making such inquiry as he deems fit and having regard to the factors specified in sub-section (4), either grant or refuse to grant to the owner of the fishing vessel, the licence for fishing in the specified area mentioned in the licence:

Prohibition
of use of
fishing
vessels in
contravention
of
notification
issued under
section 7.

Prohibition
of using
fishing
vessels which
are not
licensed.

Licensing of
fishing
vessels.

Provided that no licence shall be granted in respect of a fishing vessel which is not registered under section 12 :

Provided further that, no licence shall be refused in respect of a fishing vessel unless the owner of the fishing vessel is given a reasonable opportunity of being heard.

(4) In granting or refusing licence under sub-section (3), the Licensing officer shall have regard to the following factors, namely:—

- (a) whether the fishing vessel is a registered fishing vessel,
- (b) the condition of the fishing vessel including accessories and fishing gear with which it is fitted,
- (c) any notification issued under section 7,
- (d) whether the specified period is mentioned in the application, and
- (e) any other factors that may be prescribed.

(5) A licence under this section shall be granted in such form, on such terms and conditions and on payment of such fees, as may be prescribed.

(6) A licence granted shall be valid for a period of three years from the date on which it is granted unless it is suspended or cancelled earlier and may be renewed from time to time for a period of three years on payment of such fees as may be prescribed.

**Cancellation,
suspension
and amend-
ment of
License.**

11. (1) If the Licensing Officer is satisfied either on a reference made to him in this behalf or otherwise, that—

- (a) a licence granted under section 10 has been obtained by misrepresentation as to an essential fact, or
- (b) the holder of a licence has, without reasonable cause, failed to comply with any of the condition subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made or any notification issued thereunder,

then without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Licensing Officer may, after giving the holder of the licence a reasonable opportunity of being heard, suspend or cancel the licence.

(2) Subject to any rules that may be made in this behalf, the Licensing Officer may vary or amend a licence granted under section 10.

**Registration
of vessel.**

12. (1) The owner of every vessel used or intended to be used for the purpose of fishing and kept in the State shall get his vessel registered under this section.

(2) (a) Every application for registration of a vessel shall be made by the owner of such vessel to the Registration Officer in such form, containing such particulars and accompanied by such fees as may be prescribed.

(b) the owner of such vessel shall state in the application the port or fisheries harbour from which he intent to operate his vessel.

(3) An application for registration of a vessel under sub-section (2) shall-

(a) in the case of a vessel existing on the date of the commencement of this Act, be made within three months from the said date, and

(b) in the case of any other vessel, be made by the owner thereof within one month from the date he becomes the owner thereof.

(4) The Registration Officer may entertain an application made after the period specified in sub-section (3) if the applicant satisfies the Registration officer that he had sufficient cause for not making the application within the said period.

(5) (a) The Registration Officer may, after making such inquiry as he deems fit, either grant or refuse to grant to the owner of vessels a certificate of registration.

(b) The certificate of registration be in such form and on such terms and conditions as may be prescribed.

(c) The Registration Officer shall specify in the certificate of registration, the port or fisheries harbour from which the owner of vessel is to operate his vessel.

(d) The particulars of certificate of registration shall be entered in the register to be kept in such form as may be prescribed.

(6) The certificate of registration granted under sub-section (5) shall be valid for a period of five years from the date on which it is issued, unless it is cancelled earlier, and may be renewed from time to time for a period of five years on payment of such fees as may be prescribed.

(7) Every vessel registered under this section shall be assigned a registration mark by the Registration Officer which shall be displayed on the vessel in such manner as may be prescribed.

13. (1) No owner of a vessel registered under section 12 shall operate his vessel from any port or fishery harbour other than that specified in the certificate of registration issued to him except with the previous permission of the Registration Officer.

(2) (a) An owner of a registered fishing vessel, who intent to operate his vessel from a port or fishery harbour other than the port or fishing harbour specified in the certificate of registration issued to him, may made an application for permission to so operate his vessel, stating in the application the name of the port or fishery harbour from which and the period for which he intent to operate his vessel.

(b) On receipt of an application under clause (a), the Registration Officer may, by an order either grant or refuse to grant the permission.

Permission
for operating
vessel for the
area other
than specified
in certificate
of registra-
tion.

(c) The Registration Officer may, by an order, terminate the permission granted under clause (b) before the expiry of the period for which it was granted:

that the Registration Officer shall not refuse the permission under clause (b) or terminate permission under clause (c) unless the owner of the registered fishing vessel is given a reasonable opportunity of being heard.

Returns to be furnished by owner of registered fishing vessel.

14. (1) Every owner of a registered fishing vessel shall furnish to the Registration Officer returns of fishing in such forms, for such period, by such dates and in such manner, as may be prescribed.

(2) The Registration Officer may inspect any registered fishing vessel at any time to verify whether the returns furnished under sub-section (1) are correct and complete.

Powers of Enforcement Officer.

15. If the Enforcement Officer has reasons to believe that any fishing vessel is being or has been used in contravention of any of the provisions of this Act, or of any rule or order made or any notification issued thereunder or of any condition of the license issued under section 10, then he may—

(i) enter and search such vessel and impound such vessel and seize any fish found in it,

(ii) keep the impounded fishing vessel in such place and in such manner as may be prescribed,

(iii) dispose of the fish so seized and deposit the proceeds thereof in such manner as may be prescribed, and

(iv) make a report of the contravention to the Court if the offence is punishable under clause (b), (c), (d) or (e) of sub-section (1) of section 21 and in other cases, to the Police officer in charge of a police station.

Finality of orders.

16. Every decision of the Licensing Officer under section 10 for granting or refusing to grant a licence for a fishing vessel or under section 11 for suspending, cancelling, varying or amending such licence and every decision of the Registration Officer under section 12 for registering or canceling registration or under section 13 for granting or refusing to grant permission or terminating permission shall, subject to any appeal under section 17, be final.

CHAPTER IV

APPEALS AND REVISION

Appeal.

17. (1) Any person aggrieved by the order of—

(a) the Licensing Officer under section 10 refusing to grant a licence for a fishing vessel or under section 11 suspending, canceling, varying or amending a licence granted for a fishing vessel, or

(b) the Registering Officer under section 12 refusing to grant the registration of vessel or canceling the registration of vessel or under section 13 refusing permission to operate vessel at other port or fishing harbour or terminating such permission.

may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the Adjudicating Officer:

Provided that the Adjudicating Officer may entertain an appeal after the expiry of the period of thirty days, if the appellant satisfies the Adjudicating Officer that he had sufficient cause for not preferring an appeal within such period.

(2) On receipt of an appeal under sub-section (1), the Adjudicating Officer shall after giving the appellant a reasonable opportunity of being heard, pass such order in the appeal as he deems just and proper.

36 of 1963.

18. In computing the period laid down in section 17, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

Application
of sections
4 and 12 of
Limitation
Act,
1963.

Revision.

19. (1) Subject to rules that may be made in this behalf, the State Government may, of its own motion within two years or on an application by an aggrieved person made to it within one year from the date of an order passed by an Adjudicating Officer in appeal under section 17, call for and examine the record of any such order and pass such order thereon as it thinks just and proper:

Provided that no record of any proceeding of the Adjudicating Officer shall be called for—

(i) in a case where an appeal lies under section 16 but no appeal has been filed, or

(ii) in a case where appeal has been made under section 17 and such appeal is pending.

(2) No order shall be passed under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

20. No civil court shall have jurisdiction to deal with or decide any question which the Fishery Officer, Licensing Officer, the Registration officer, the Adjudicating Officer or, as the case may be, the State Government is empowered to deal with or decide by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any provision of this Act.

Bar of
jurisdiction
of civil
courts.

CHAPTER V**OFFENCES AND PENALTIES**

**Offences
and
penalties.**

21. (1) (a) Whoever contravenes the provisions of section 3, 4 or 5 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.

(b) Whoever use any fishing vessel for fishing in contravention of section 8 shall, on conviction, be punished with fine not exceeding fifty thousand rupees.

(c) Whoever use any fishing vessel which is not licensed for fishing in any specified area in contravention of section 9 shall, on conviction, be punished with fine not exceeding fifty thousand rupees.

(d) Whoever operate his fishing vessel from any port or fishery harbour other than that specified in the certificate of registration in contravention of sub-section (1) of section 13 shall, on conviction, be punished with fine not exceeding twenty thousand rupees.

(e) Any person who commits a breach of any of the provisions of the rules or the order made under this Act shall be punishable with fine which may extend to ten thousand rupees and when breach is continuing one, with a daily fine not exceeding one hundred rupees during the period of continuance of such breach.

(2) When an offence under any of clauses (a) to (d) of sub-section (1) is a continuing one, the offender shall be punished with a daily fine not exceeding ten thousand rupees during the period of continuance of such offence.

**Offences by
Companies.**

22. (1) Where an offence under this Act has been committed by a company, every person who at time the offence was committed was in-charge of, and was responsible to the company for conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this section has been committed by a company and it is provided that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.—*For the purpose of this section—

(a) "company" means a body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

2 of 1974.

23. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under clause (a) of sub-section (1) of section 21 or under any rule made under section 6 shall be cognisable.

Cognisance
of offences.

(2) No court shall take cognisance of any offence punishable under clause (b), (c), (d) or (e) of sub-section (1) of section 21 except on a report in writing made by the Enforcement Officer under section 15.

CHAPTER VI

FISHERIES TERMINAL AUTHORITY

24. (1) The State Government may, by order, constitute Fisheries Terminal Authority (hereinafter referred to as "the Authority") for such area as may be specified in the order, to develop, maintain, manage and administer the fisheries harbour, fish landing jetties including any wharf, pier, dock and other landing place and their adjoining areas set apart by the Authority for repair yards, fuel and ice supply installation, auction hall, fish processing plants, godowns and fish markets.

Constitutio
and
compositio
of Fisheries
Terminal
Authority.

(2) The Authority shall consist of the following members who shall be appointed by the State Government, namely:—

(i)	Commissioner of Fisheries	Chairman
(ii)	One representative from the Gujarat Maritime Board	Member
(iii)	One representative from Marine Products Export Development Authority	Member
(iv)	One representative from the Gujarat Electricity Board	Member
(v)	One representative from the Gujarat Water Supply and Sewage Board	Member

(vi)	One representative from the Gujarat Fisheries Central Co-operative Association	Member
(vii)	One representative from the National Bank for Agricultural and Rural Development	Member
(viii)	One representative from the National Co-operative Development Corporation	Member
(ix)	One representative from Fish Processors Association	Member
(x)	One representative from Boat Owners Association	Member
(xi)	One representative from Custom Department	Member
(xii)	One representative from Fish Traders	Member
(xiii)	One representative from Lead Bank	Member
(xiv)	One representative from the concerned local Municipality	Member
(xv)	Deputy Director of concerned region.	Member- Secretary

Functions of Authority.

25. (1) The Authority shall perform the following functions, namely:—

- (a) to develop, regulate and control the fisheries harbour terminals;
- (b) to acquire land and purchase of equipment and machinery for fisheries harbour terminals;
- (c) to provide safety measures for arrival and departure of the vessels and shore installations within the fisheries harbour terminals;
- (d) to arrange quick and hygienic handling and disposal of fish within the fisheries harbour terminals;
- (e) to keep the fisheries harbour area clean and free from pollution;
- (f) to perform such other functions as may be entrusted by State Government; and
- (g) to do such other functions as are necessary for efficient discharge of functions of the Authority.

Amount to be charged for providing services.

26. The Authority may charge such amount as may be fixed by the State Government from time to time, for providing services at the fishing harbour.

CHAPTER VII

MISCELLANEOUS

27. (1) Nothing in this Act shall apply to any vessels belonging to the Central Government or any State Government or Corporation owned or controlled by the Central Government or the State Government which are being used for the purposes of survey and research.

Exemption.

(2) Where the State Government is of the opinion that it is necessary so to do in the public interest, it may by notification in the *Official Gazette*, exempt subject to such conditions, such class or classes of fishing vessels used for fishing in any specified area and for such period as it may specify in the notification, from all or any of the provisions of this Act.

28. All officers and employees and the members of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or any rule made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

**Members,
officers and
employees to
be public
servants.**

29. No suit, prosecution or other legal proceeding shall lie against any member of the Authority or any Officer or employee of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or any rule or order made thereunder.

**Protection of
action taken
in good faith.**

30. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the objects of this Act.

**Power to
make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters, namely:

(a) the protection of fish under section 6;

(b) the form in which the application for grant of licence for fishing vessel shall be made and the particulars and the fees which shall accompany such application under sub-section (2) of section 10;

(c) the form in which and the terms and conditions on which the licence for fishing vessel may be granted under sub-section (5) of section 10;

(d) the rules subject to which the Licensing Officer may vary or amend the licence under sub-section (2) of section 11;

(e) the form in which the application for registration of vessel shall be made and the particulars and the fees which shall accompany such application under sub-section (2) of section 12;

(f) the form in which and the terms and conditions on which certificate of registration shall be granted and the form in which the register for entering the particulars of such certificate shall be made under sub-section (5) of section 12;

(g) the manner in which the registration mark of vessel shall be displayed by the owner under sub-section (7) of section 12;

(h) the form in which, the period within which, the date by which and the manner in which the owner shall furnish the return under sub-section (1) of section 14;

(i) the place at which and the manner in which the impounded fishing vessel shall be kept by the Enforcement Officer under section 15;

(j) the manner in which the fish so seized shall be disposed of by the Enforcement officer and to deposit the proceeds thereof under section 15;

(k) the rules subject to which the State Government may call for and examine record of order passed by Adjudicating officer under sub-section (1) of section 19, and

(l) any other matter which is to be or may be prescribed under this Act.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication:

Provided that if the State Government is satisfied that the circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Repeal.

31. (1) The Indian Fisheries Act, 1897 in its application to the State of Gujarat is hereby repealed. 4 of 1897.

(2) Notwithstanding repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or taken by or under this Act and shall continue in force until superceded by anything done or any action taken under the provisions of this Act.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 12th March, 2003).

AN ACT

to establish and incorporate a National Law University in the State of Gujarat.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat National Law University Act, 2003. Short title
and
commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

- (a) "Academic Council" means the Academic Council of the University;

Definitions.

- (b) "Chairman" means the Chairman of the General Council of the University;
- (c) "Director" means the Director of the University appointed by General Council under Section 33;
- (d) "Executive Council" means the Executive Council of the University;
- (e) "Finance Committee" means the Finance Committee of the University Constituted under section 28;
- (f) "General Council" means the General Council of the University referred to in section 12;
- (g) "regulations" means the regulations made under this Act;
- (h) "University" means the Gujarat National Law University established under section 3 of this Act;
- (i) "Visitor" means the Visitor of the University.

CHAPTER II

THE UNIVERSITY

Establishment and incorporation of University.

3. (1) There shall be established, in the State of Gujarat, a University by the name of the Gujarat National Law University which shall consist of the Visitor, the Chairman, the General Council, the Executive Council, the Academic Council and the Officers of the University;
- (2) The University shall be a body corporate by the name of "The Gujarat National Law University" having perpetual succession and a common seal, and may sue or be sued by the said name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act.

Headquarters of University.

4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.

Objects of University.

5. The objects of the University shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development; to develop in the students and the research scholars a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practice, law reforms and such other matters; to make law and legal processes efficient instruments of social development; and to promote inter-disciplinary study of law in relation to management, technology, international co-operation and development.

University open to all irrespective of religion, class, sex, race, etc..

6. The University shall be open to all persons irrespective of religion, sex, race, caste, creed, class, opinion, place of birth or religious belief or political opinion and it shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, caste, creed, class, place of birth, opinion, religious belief or profession in order to entitle him to be admitted as a student in the University or to be appointed thereto as a teacher or to hold any office or post in the University or to qualify for any degree, diploma or any academic distinction or to enjoy or exercise any privilege of the University.

Powers and functions of University.

7. The University shall have the following powers and perform the following functions, namely:

- (i) to administer and manage the University and such centers of research, education and instruction as are necessary for the furtherance of the objects of the University;

- (ii) to provide for instruction in such branches of knowledge or learning pertaining to law as the University may think fit and to make provision for research and for advancement and dissemination of knowledge of law;
- (iii) to organize and undertake extra-mural teaching and extension services;
- (iv) to hold examinations and to grant diplomas or certificates, and to confer degrees including joint degrees in law combined with other disciplines and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (v) to confer honorary degrees or other distinctions in such manner as may be laid down by regulations;
- (vi) to fix, demand and receive fees and other charges;
- (vii) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;
- (viii) to establish such special centres, specialized study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (ix) to supervise and control the residence and to regulate the discipline of the students of the University;
- (x) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xi) to regulate conduct and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;
- (xii) to institute Professorships, Associate Professorships, Assistant Professorships, Readerships, Lecturerships and any other teaching, academic or research posts required by the University;
- (xiii) to appoint persons as Professors, Associate Professors, Assistant Professors, Readers, Lecturers or otherwise as teachers and researchers of the University;
- (xiv) to establish and run specialised Schools for studies and research in various disciplines in law and related fields;
- (xv) to institute and award fellowships, scholarships, prizes and medals;
- (xvi) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (xvii) to sponsor and undertake research in all aspects of law, jurisprudence, justice, legislation, parliamentary practice and related fields;
- (xviii) to co-operate with any other organization in the matter of education, training and research in law, jurisprudence, justice, legislation, parliamentary practice and allied subjects for such

purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine;

- (xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (xx) to regulate the expenditure and to maintain the accounts of the University;
- (xxi) to establish and maintain, within the premises of the University or elsewhere, such class rooms and study halls as the University may consider adequate and necessary and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;
- (xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established;
- (xxiii) to purchase, take on lease or accept as gifts or otherwise, any land or building or works, which may be necessary or convenient for the purpose of the University, on such terms and conditions as it may think fit and proper, and to construct, alter and maintain any such buildings or works;
- (xxiv) to sell, exchange, lease or otherwise dispose of movable or immovable property of the University, on such terms as it may think fit and proper without prejudice to the interests and activities of the University:

Provided that the University shall not sell, exchange, lease or otherwise dispose of movable or immovable property granted by the State Government without prior approval of the State Government or without compliance of the terms and conditions on which the State Government has given approval;

- (xxv) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxvi) to execute conveyance, transfer, reconveyance, mortgage, lease, licence and agreement in respect of property, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;
- (xxvii) to appoint any person for execution of an instrument or transaction of any business of the University;
- (xxviii) to enter into any agreement with the Central Government or the State Government or the Government of any other State or the University Grants Commission or any other authority for receiving grants;
- (xxix) to accept grants of money, securities or property of any kind on such terms as it may deem expedient;
- (xxx) to raise and borrow money on bonds, mortgages, promissory notes

or other obligations or securities founded or based on all or any of the properties and assets of the University or without any securities and on such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money and to repay and redeem any money borrowed;

- (xxxii) to invest the funds of the University or the money entrusted to the University in or on such securities and in such manner as it may deem fit and from time to time transpose any investment;
- (xxxiii) to make regulations for regulating the affairs and the management of the University;
- (xxxiv) to constitute fund for pensions, gratuity, insurance, provident fund which shall be governed by the provisions of the Provident Funds Act, 1925 as if such fund were a Government Provident Fund in such manner and subject to such conditions as may be prescribed by regulations, and to make such grants as it may think fit for the benefit of any employee of the University and to aid in support of the establishment of associations, institutions, funds and trusts calculated to benefit the employees and the students of the University;
- (xxxv) to delegate all or any of its powers to the Director or any committee or sub-committee constituted by any authority of the University or to any one or more members of the General Council of the University or to any officer of the University; and
- (xxxvi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

8. (1) All recognised teachings in connection with the degrees, diplomas and certificates of the University shall be conducted, under the control of the Academic Council, by the teachers of the University in accordance with the syllabus prescribed by the regulations.

Teaching in
University.

(2) The courses and curricula of teaching, and the authorities responsible for organising such teaching shall be such as may be prescribed by the regulations.

9. (1) The Chief Justice of India shall be the Visitor of the University.

Visitor.

(2) The Visitor shall have the right to cause an inspection, to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipments, and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finance of the University.

(3) The Visitor shall give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Chairman and the Director with reference to the result of such inspection or inquiry, and the Director shall communicate to the General Council the results, the views of the Visitor and the advice that may be tendered by the Visitor with regard to the action to be taken thereon.

(5) The General Council shall communicate through the Director to the Visitor of such action, if any, as it proposes to take, or as has been taken, on the result of such inspection or inquiry.

(6) Where the General Council does not take action to the satisfaction of the Visitor within the time limit fixed by the Visitor, the Visitor may after considering any explanation furnished or representation made by the General Council, issue such direction as he may think fit and the General Council shall comply with such direction.

Chairman.

10. (1) The Chairman of the General Council shall be an eminent person in the field of law, academic, industry, trade or commerce or public life. He shall be appointed by the State Government in consultation with the Visitor.

Provided that until the first Chairman is appointed by the State Government, the person functioning as the Chairman of the Indian Institute of Legal Studies Society registered under the Societies Registration Act, 1860 shall be the Chairman of the General Council.

21 of 1860.

(2) The Chairman shall hold office for a term of five years and he shall be eligible for reappointment to that office only for a further term of five years.

CHAPTER III**AUTHORITIES OF UNIVERSITY****Authorities of University.**

11. The following shall be the authorities of the University:-

- (a) the General Council;
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Finance Committee; and
- (e) such other authorities as may be declared by the University by regulation to be the authorities of the University.

General Council.

12. The General Council shall be the apex authority of the University.

Constitution of General Council.

13. The General Council of the University shall consist of the following members, namely :—

- (a) the Visitor,
- (b) the Chairman,
- (c) the Director,
- (d) the Attorney General of India,
- (e) one Judge of the Supreme Court of India nominated by the Visitor,
- (f) the Minister for Finance, State of Gujarat,
- (g) the Minister for Higher Education, State of Gujarat,
- (h) the Minister for Law, State of Gujarat,
- (i) the Chief Justice, High Court of Gujarat,
- (j) two Judges of the High Court of Gujarat to be nominated by the Visitor.

- (k) the Solicitor General of India;
- (l) any Additional Solicitor General of India to be nominated by the Attorney General of India;
- (m) the Advocate General, State of Gujarat;
- (n) the Chairperson of the University Grants Commission or his nominee from among the members of the University Grants Commission;
- (o) the Chairman, Bar Council of India;
- (p) the Chairman, Bar Council of Gujarat;
- (q) the Chairman, Gujarat State Law Commission;
- (r) the Director of Indian Institute of Management, Ahmedabad;
- (s) two members of the Executive Council as are not otherwise members of the General Council;
- (t) an eminent scholar to be nominated by the State Government;
- (u) two distinguished persons to be nominated by the State Government;
- (v)
 - (i) the Chairman, Indian Institute of Legal Studies Society; and
 - (ii) one member to be nominated by the Indian Institute of Legal Studies Society nominated by it from amongst its members;
- (w) two Vice-Chancellors of other Universities established by law in the State of Gujarat, by rotation, to be nominated by the State Government;
- (x) two distinguished lawyers to be nominated by the Visitor;
- (y) two distinguished lawyers to be nominated by the Chief Justice of the High Court of Gujarat;
- (z) two distinguished educationalists to be nominated by the Director in consultation with the Visitor;

Provided that an employee of the University shall not be eligible for nomination under sub-clauses (x) and (z).

14. (1) The term of office of the members of the General Council shall be five years.

(2) When a person becomes a member of the General Council by virtue of his office, he shall cease to be such member if he ceases to hold that office.

(3) When a person is nominated as a member of the General Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case may be.

(4) A member of the General Council shall cease to be a member, if he,-

- (a) tenders his resignation and such resignation is accepted; or
- (b) becomes of unsound mind and stands so declared by a competent court; or
- (c) becomes undischarged insolvent; or
- (d) has been convicted of an offence involving moral turpitude; or
- (e) has accepted a full time appointment to the post other than the post of Director in the University.

Term of office
of members
of General
Council.

(5) A member of the General Council may, by writing addressed to the Chairman resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

(6) Any vacancy in the General Council shall be filled in by nomination of a person by the relevant authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

**Powers of
General
Council.**

15. The General Council shall have the following powers, namely :—
- (a) to formulate and review the broad policies and programmes of the University and suggest measures for the development of the University;
 - (b) to direct the Executive Council to take such steps as are necessary for achieving the objects of the University;
 - (c) to consider and pass resolution on the annual report, financial estimates and audit reports on the accounts of the University;
 - (d) to appoint the Director;
 - (e) to exercise such other powers as it may deem necessary for the performance of functions and the administration of the University.

**Meetings of
General
Council.**

16. (1) The General Council shall meet at least once in a year. The meetings of the General Council shall be convened by the Director in consultation with the Chairman and the Visitor.

(2) The Visitor shall preside over the meeting of the General Council. In absence of the Visitor, the Chairman shall preside over the meeting, and in absence of the Chairman, a member of the General Council nominated by him shall preside.

(3) The Director shall cause to be laid before the meeting of the General Council, a report of the working of the previous year of the University, the annual statement of accounts together with the report of auditors thereon and the budget estimates and the income and expenditure for the next financial year.

(4) The meeting of the General Council may be called by the Visitor or by the Chairman, either of his own or at the request of not less than ten members of the General Council.

(5) The General Council shall meet at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at such meeting) as may be provided by the regulations.

(6) If any urgent action is required, the Chairman may, with the approval of the majority of the members of the General Council, permit the business to be transacted by circulation among the members of the General Council. The report of the action so taken shall be placed before the next meeting of the General Council.

**Executive
Council.**

17. (1) The Executive Council shall be the chief executive body of the University.

(2) The powers of administration and management of the fund and property of the University shall vest in the Executive Council.

18. The Executive Council shall consist of the following members, namely:—
- (a) the Director;
 - (b) a member of the General Council, who is a Judge to be nominated by the Visitor;
 - (c) the Chief Secretary to the Government of Gujarat or an officer not below the rank of the Secretary to Government of Gujarat to be nominated by him;
 - (d) the Secretary to the Government of Gujarat, Finance Department;
 - (e) the Secretary to the Government of Gujarat, (Higher Education) Education Department;
 - (f) the Secretary to the Government of Gujarat, Legal Department;
 - (g) a member of the General Council to be nominated by the State Government;
 - (h) a member of the General Council, who is a lawyer to be nominated by the Visitor;
 - (i) a member of the General Council, who is an educationist to be nominated by the Visitor;
 - (j) five Professors or Associate Professors of the University to be nominated by the Director, by rotation.

19. (1) The term of office of members of the Executive Council shall be three years.

(2) (a) When a person becomes a member of the Executive Council by virtue of his office, he shall cease to be such member if he ceases to hold his office.

(b) When a person is nominated as a member of Executive Council, he shall cease to be such member if his nomination of such membership is withdrawn by the nominating body or person, as the case may be.

(c) A member of the Executive Council shall cease to be a member if he,—

(i) tenders his resignation and such resignation is accepted;

(ii) becomes of unsound mind and stands so declared by a competent court; or

(iii) becomes undischarged insolvent; or

(iv) has been convicted of an offence involving moral turpitude; or (other than the Director or member of the Faculty) has accepted a full time appointment in the University.

Constitution
of Executive
Council.

Term of office
of members
of Executive
Council.

(3) A member of the Executive Council may, by writing addressed to the Chairman resign his office, and such resignation shall take effect on the date it is accepted by the Chairman.

(4) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority entitled to make the same and the person so nominated shall hold office so long as the member in whose place he is nominated would have held office had the vacancy had not occurred.

Powers and functions of Executive Council.

20. The Executive Council shall have the following powers and perform the following functions, namely:—

(1) to submit to the General Council, with its recommendations, of persons for appointment as a Director suggested by the Search Committee constituted in accordance with regulations made in this behalf;

(2) to appoint Registrar, Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the Selection Committee:

Provided that the Executive Council shall not appoint teachers without considering the recommendation of the Academic Council with regard to numbers, qualifications and emoluments:

Provided further that it shall not be necessary for the Executive Council to obtain the recommendation of the Academic Council to appoint a person on the following posts, namely:—

(a) any supernumerary post, or

(b) Professor of eminence;

(3) to create administrative and ministerial posts, to determine the number and emoluments of such posts, to specify qualifications for such posts, and to appoint persons to such posts on such terms and conditions of service as may be prescribed by regulations in this behalf, or to delegate the powers of appointment to such authority or officer as the Executive Council may, by resolution, specify either generally or specifically;

(4) to grant, in accordance with the regulations, leave other than casual leave to any officer of the University and to make necessary arrangement for the discharge of the functions of such officer during his period of leave;

(5) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such person or agency as it may think fit;

(6) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may think fit, or to invest in the purchase of immovable property;

(7) to transfer or acquire any movable or immovable property on behalf of the University;

(8) to enter into, vary, carry out or cancel contracts on behalf of the University and to appoint such officers as it may think fit for that purpose;

(9) to provide buildings, premises, furniture, apparatus and other means required for carrying out the functions of the University;

(10) to appoint examiners and moderators, to fix their fees, emoluments and allowances, in consultation with the Academic Council;

(11) to select a common seal for the University and to provide for the custody of the seal; and

(12) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

21. (1) The Executive Council shall meet at least once in four months.

(2) The Director or in his absence, any member of the Executive Council nominated by him shall preside over the meeting of the Executive Council.

(3) The Executive Council shall meet on notice, at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at such meeting) as may be provided by the regulations.

(4) If any urgent action is required, the Director may, with the approval of the majority of the members of the Executive Council, permit the business to be transacted by circulation among the members of the Executive Council. The action so taken as approved by circulation shall be placed before the next meeting of the Executive Council.

22. The Executive Council may, by resolution, delegate to the Director or to a committee, such of its powers as it may deem fit, subject to the condition that the action so taken by the Director or such committee shall be placed at the next meeting of the Executive Council.

23. The Academic Council shall be the academic body of the University. It shall have powers, subject to the provisions of this Act and the regulations, to control, regulate and maintain the standards of instruction, education and examination of the University and advise the Executive Council on academic matters. It shall exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations.

24. (1) The Academic Council shall consist of the following members, namely—

- (a) the Director;
- (b) a member of the Bar Council of India to be nominated by the Chairman of the Bar Council of India;
- (c) a member of the Bar Council of Gujarat to be nominated by the Chairman of the Bar Council of Gujarat;
- (d) a member of the law panel of the University Grants Commission to be nominated by the Chairman of the Commission;
- (e) one Dean of Law faculty of any other University established by Law in the State of Gujarat, by rotation, to be nominated by the State Government;
- (f) two distinguished persons (other than employees of the University) teaching law to be nominated by the Director;
- (g) an eminent jurists to be nominated by the State Government;
- (h)
 - (i) all Professors of the University; and
 - (ii) a representative each of the Associate Professors and the Assistant Professors of the University.

(2) The term of the members shall be three years.

Meetings of
Executive
Council.

Delegation of
powers by
Executive
Council.

Academic
Council.

Constitution
of Academic
Council.

**Powers and
functions of
Academic
Council.**

25. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and perform the following functions, namely:—

- (1) to report on any matter referred to or delegated to it by the General Council or the Executive Council;
- (2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and qualifications, emoluments and the duties attached thereto;
- (3) to formulate, modify or revise schemes for the organisation of the faculties, schools, centres or specialised institutes, and to assign to them their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty, school, centre or specialised institute, or the combination of one with another;
- (4) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;
- (5) to promote research and to require reports on such research;
- (6) to consider proposals submitted by the faculties;
- (7) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (8) to fix, subject to any conditions laid by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;
- (9) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;
- (10) to make arrangements for the conduct of examinations and to fix dates for holding such examinations;
- (11) to declare the results of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;
- (12) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;
- (13) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the regulations.

26. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.

(2) The Director or in his absence any member of the Academic Council nominated by him shall preside over at the meeting of the Academic Council.

(3) The Academic Council shall meet at such time and place and with such period of notice and shall observe such rules of procedure in regard to transaction of its business at its meeting (including the quorum at such meeting) as may be provided by regulations.

(4) If any urgent action is required, the Director may, with the approval of the majority of the members of the Academic Council, permit the business

**Meetings of
Academic
Council.**

to be transacted by circulation among the members of the Academic Council. The action so taken as approved by circulation shall be placed before the next meeting of the Academic Council.

27. Where any authority of the University is not constituted, the Director with the approval of the Chairman, may discharge all or any of the functions of such authority and, for that purpose may exercise any power of such authority till such authority is constituted.

Transitory
Powers of
Director.

CHAPTER IV

COMMITTEES

28. (1) The Finance Committee shall consist of the following members, namely:—

Finance
Committee.

- (a) the Chairman,
- (b) the Director,
- (c) two members to be nominated by the Executive Council from amongst its members;
- (d) one member to be nominated by the State Government from amongst the members of the Executive Council, who is an officer of the State Government.

(2) The term of member of the Finance Committee shall be three years.

(3) A member shall cease to be a member of the Finance Committee, if he ceases to be a member of the Executive Council or if he ceases to hold the post of the Chairman.

29. (1) The Finance Committee shall have following powers and discharge the following functions, namely:—

Powers and
functions of
Finance
Committee.

- (a) to examine and scrutinise the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
- (c) to consider the periodical statements of accounts and to review the finances of the University from time to time, to consider reappropriation statements and audit reports, and to make recommendations thereon to the Executive Council;
- (d) to give views and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on reference from the Executive Council or the Director.

(2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.

(3) The Chairman or in his absence, the Director shall preside over the meetings of the Finance Committee.

30. (1) The Executive Council shall constitute Selection Committees for making recommendations for appointment to posts of Professor, Associate Professor and other teachers of the University.

Selection
Committee.

(2) The Selection Committee shall consist of the following members, namely:—

- (a) the Director;
- (b) the Head of the Department concerned, if any, who is not lower in rank than that of the post for which selection is to be made;
- (c)
 - (i) where an appointment is to be made by any academic post, three experts nominated by the Director from amongst a panel of names recommended by the Academic Council;
 - (ii) where an appointment is to be made to any administrative post, three experts in the fields of university administration nominated by the Director from amongst a panel of names recommended by the Executive Council.
- (3) Where an endowment from a donor is accepted by the University for instituting a Chair, the donor may be co-opted as a member of the Selection Committee for the purpose of filling in that post.
- (4) The meeting of the Selection Committee shall be convened by the Director whenever necessary. The Director or in his absence, a member of Selection Committee nominated by him shall preside over the meeting of the Selection Committee. Three members of the Selection Committee of whom one shall be an expert, shall form the quorum for a meeting of the Committee.

Standing Committees and adhoc committees.

31. Subject to the provisions of this Act and the regulations, the Executive Council may, by resolution, constitute such Standing Committees or appoint ad hoc committees of such persons and for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University or inquiring into, and reporting or advising upon, any matter relating to the University.

CHAPTER V

OFFICERS OF THE UNIVERSITY

Officers of University.

32. The following shall be the officers of the University:
- (a) the Director;
 - (b) the Heads of the Departments, Schools and Centres,
 - (c) the Registrar, and
 - (d) such other officers of the University as may be declared by the regulations to be the officers of the University.

Director.

33. (1) The Director shall be appointed by the General Council after considering the recommendations of the Executive Council and in consultation with the Visitor.

(2) The terms and conditions of the appointment of the Director shall be such as may be prescribed by the regulations:

Provided that the first Director shall be appointed by the State Government in consultation with the Chairman.

(3) The Director, subject to the specific and general directions of the Executive Council, shall exercise all the powers of the Executive Council for management and administration of the University.

(4) The Director shall hold office for a term of five years. He shall be eligible for re-appointed for a further term of five years only.

(5) The Director shall—

- (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;
- (b) convene the meetings of the General Council, the Executive Council, and the Academic Council and shall perform such other functions as may be necessary to give effect to the provisions of this Act;
- (c) have all such powers as are necessary for proper maintenance of discipline in the University.

(6) When in the opinion of the Director, an emergency requires immediate action, he shall take such action as he deems necessary and shall report the action so taken for confirmation of the authority, to the next meeting which, in the ordinary course, would have dealt with that matter.

34. (1) Each of the Departments of the University shall have a Head of the Department.

(2) The powers, functions, appointments and the conditions of service of the Heads of Departments shall be such as may be prescribed by the regulations.

35. (1) The Registrar shall be appointed by the Executive Council and shall be a whole time officer of the University.

(2) The terms and conditions of the appointment of the Registrar shall be such as may be prescribed by the regulations.

(3) The Registrar shall be the *ex-officio* Secretary to the Executive Council and the Finance Committee, but he shall not be considered to be a member of any of these authorities.

(4) The Registrar shall—

- (a) comply with all directions and orders of the Executive Council and the Director;
- (b) be the custodian of the records, common seal and such other property of the University as the Executive Council may direct;
- (c) exercise such powers and perform such functions as may be prescribed by the regulations.

(5) When the post of the Registrar is vacant, the Director may authorise any officer of the University to exercise such powers and perform such functions of the Registrar, as he thinks fit.

36. The terms and conditions of service (including contract service) and the redressal of grievances relating thereto, of teachers, officers and employees of the University shall be such as may be prescribed by the regulations.

Head of
Departments
and Schools.

Registrar.

Terms and
conditions of
employees.

37. The University shall make provisions for the benefit of its officers, teachers, employees and other servants in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the regulations.

Insurance,
pension and
provident
fund.

CHAPTER VI

FINANCE

University Fund.

38. (1) The University shall establish a fund to be called the University Fund.
 (2) The following shall form part of, or be paid into, the University Fund, namely:-

- (a) all contributions or grants made by the State Government, the Central Government, the Bar Council of India, the Bar Council of Gujarat and the University Grants Commission;
 - (b) The income of the University from all sources including income from fees and charges;
 - (c) all income or moneys from trusts, bequests, donations, endowments, subventions and other grants.
- (3) The University Fund shall, at the discretion of the Executive Council, be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorized by the Indian Trusts Act, 1882.
- (4) The University Fund may be expended for such purpose of the University and in such manner, as may be prescribed by regulations.

II of 1934.

5 of 1970.

40 of 1980.

2 of 1882.

Annual accounts and financial estimates.

39. (1) The annual accounts of the University shall be prepared under the directions of the Executive Council.

(2) The Executive Council shall prepare, before such date as may be prescribed by the regulations, the annual financial estimates for the ensuing year and place the same before the General Council.

(3) Where an expenditure in excess of the amount provided in the budget is required to be incurred, the Executive Council may, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be prescribed by the regulations and a report of such excess expenditure shall be made to the General Council at its next meeting.

(4) The accounts of the University shall be audited by the auditors appointed by the Executive Council:

Provided that the State Government may, whenever it considers necessary, direct that audit of the accounts of the University, including the institutions managed by it, shall be audited by such auditors as it may specify.

(5) The accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the State Government.

(6) The annual accounts and the Financial Estimates shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council, which shall take them into consideration and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting of the action taken by it or its reasons for taking no action.

Annual report.

40. (1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year, and shall be submitted to the General Council on or before such date as may be prescribed by regulations. The General Council shall consider such report and may pass resolutions thereon and the Executive Council shall take

such action in accordance with the resolution. The action taken by the Executive Council or if no action is taken, the reasons for taking no action shall be communicated to the General Council at its meeting.

(2) The Copy of the annual report alongwith the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at its next session.

CHAPTER VII

ENROLMENT AND DEGREE

41. No student shall be enrolled as a student of the University, unless he possesses such qualifications as may be prescribed by the regulations.

Qualification
for admission
of students.

42. A student of the University shall study on such terms and conditions as may be prescribed by the regulations.

Residence of
students.

43. The General Council may, on the recommendation of not less than two-thirds of members of the Academic Council, confer by resolution, honorary degree or academic distinction, on a person who has eminent attainment and position.

Honorary
degree.

44. (1) The General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person who has been convicted by a court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the total membership of the General Council and by a majority of not less than two-thirds of the members of the General Council present and voting.

Withdrawal
of degree or
diploma.

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) The resolution so passed by the General Council shall take effect immediately and the copy of the same shall be sent to the person concerned.

45. (1) The Director shall be the final authority for maintenance of discipline among the students of the University. The directions given by the Director in this behalf shall be complied with by the Heads of Departments, Schools, Hostels and Institutions.

Discipline
among
students.

(2) Notwithstanding anything contained in sub-section (1), the Executive Council may, on the report of the Director, impose the punishment of debarring a student from an examination or rustication from the school or a hostel or an institution:

Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

CHAPTER VIII

SUPPLEMENTARY PROVISIONS

46. (1) The Executive Council may make regulations consistent with the provisions of this Act to provide for the administration and management of the University.

Regulations.

(2) The Executive Council shall not make, amend or repeal any regulation affecting all or any of the following matters without the prior concurrence of

the Academic Council,

- (a) the determination of authorities for organizing teaching relating to syllabus and academic programmes;
- (b) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (c) the establishment and abolition of Faculties, Departments, and specialised schools, centres of learning and research, and halls of residence;
- (d) the institution and award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (e) conditions and modes of appointment of examiners, conduct or standard of examinations and course of study;
- (f) modes of enrolment or admission of students;
- (g) examinations of other University to be recognized as equivalent to University examinations.

(3) The Academic Council may propose to the Executive Council to make regulations on all or any of the matters specified in clauses (a) to (g) and matters incidental or related thereto:

(4) Where the Executive Council has rejected any regulation proposed by the Academic Council, the Academic Council may appeal to the Visitor, and the Visitor may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council, such regulation shall have effect from such date as may be specified in the order:

Provided that where the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(5) (i) All regulations made by the Executive Council shall be submitted to the General Council and to the Visitor for approval;

(ii) The General Council may, by resolution, approve the regulations;

(iii) The Visitor may approve the regulation and the regulation so approved shall remain in force till the date on which it is approved or disapproved by the General Council.

47. All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and such contracts shall be executed on behalf of the Executive Council by the Director when the value of the contract is more than twenty lakhs of rupees and by the Registrar when its value does not exceed twenty lakhs of rupees.

48. (1) The Visitor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.

(2) The Commission shall consist of not more than three eminent educationists, one of whom shall be the Chairman of such Commission, appointed by the Visitor in consultation with the State Government.

(3) The terms and conditions of appointment of the members shall be such as may be determined by the Visitor.

(4) The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Visitor.

Execution of contracts.

Appointment of Review Commission.

(5) The Visitor may take such action on the recommendations as he deems fit.

49. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servant.

XLV of 1860. 50. No act or proceedings of any authority of the University or body shall be invalid on the grounds merely of the existence of any vacancy in or any defect in constitution of such authority or body.

Proceedings not invalidated by vacancies.

51. No suit, shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Protection of action taken in good faith.

52. Notwithstanding anything in this Act or the regulations, whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,—

Sponsored scheme.

(a) the amount received shall be kept by the University in separate account and shall be utilised for the purpose of the scheme only; and

(b) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

53. If any difficulty arises in giving effect to the provisions of this Act or the regulations, the Visitor or the Director as directed by the Visitor, may, by order or as occasion requires, do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be necessary or expedient for the purpose of removing the difficulty. Every such order shall have effect as if such action had been taken under this Act or the regulations:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Power to remove difficulties.

(C)



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor:

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 12th March, 2003).

AN ACT

to provide for the establishment of the Nirma University of Science and Technology, Ahmedabad, Gujarat by law and to confer the status of a University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Nirma University of Science and Technology Act, 2003.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Academic Council" means the Academic Council of the University constituted under section 14;
- (b) "Board" means the Board of Governors of the University constituted under section 10;
- (c) "Chairman" means the Chairman of the Board appointed under section 11;
- (d) "Deans" mean the Deans of the University appointed under section 21;
- (e) "Director" means the Director of the University appointed under section 18;
- (f) "Executive Registrar" means Executive Registrar of the University appointed under section 20;
- (g) "Finance Committee" means Finance Committee of the University constituted under section 16;
- (h) "Foundation" means the Nirma Education and Research Foundation, Ahmedabad;
- (i) "Patron Trustee" means the Patron Trustee of the Nirma Education and Research Foundation, Ahmedabad;
- (j) "President" means the President of the University appointed under section 7;
- (k) "prescribed" means prescribed by the regulations;
- (l) "Regulations" means the Regulations of the University made under section 32;
- (m) "Society" means the Nirma Education and Research Foundation, Ahmedabad, a society registered under the Societies Registration Act, 1860;
- (n) "Trust" means the Nirma Education and Research Foundation, Ahmedabad registered under the Societies Registration Act, 1860 and the Bombay Public Trust Act, 1950;

XXI of 1860.

XXI of 1860.

Bom. 29 of
1950.

(o) "University" means" the Nirma University of Science and Technology, Ahmedabad, Gujarat, a University established under section 3.

3. (1) There shall be established a University by the name of "The Nirma University of Science and Technology, Ahmedabad, Gujarat".

Establishment
and
incorporation of
University.

(2) The President, the Board, the Academic Council, the Director, the Dean, the Executive Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by "The Nirma University of Science and Technology, Ahmedabad, Gujarat".

(3) The University shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or Institute for the award conferment of degree, diploma and certificate of its degree to the students admitted therein.

(4) The University shall not have any grant in aid or other financial assistance from the Central Government, any State Government, University Grants Commission, All India Council For Technical Education or any other authority or institutions of the Central Government or any State Government.

(5) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(6) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Executive Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Executive Registrar.

(7) The headquarters of the University shall be at Ahmedabad, Gujarat.

Objects of the University.

4. The objects of the University shall be to develop the knowledge of science and technology for the advancement of mankind. The objects of the University shall be as follows, namely :-

- (i) to disseminate, create and preserve knowledge and understanding by teaching research, training and extension activities by effective demonstration and influence of its corporate life on society in general;
- (ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technical and other related professional education as per its current status and such other manner as may develop in future, including continuing education;
- (iii) to develop patterns of teaching a Certificate/Diploma, Undergraduate, Post-graduate and Doctoral level and to maintain a high standard of education and its applications; to create capabilities for upgrading science and technology infrastructure to the global standards;
- (iv) to develop training facilities in higher education including professional education and allied fields; to provide for inter-relationships for national and global participation in the field of science and technology and its allied fields;
- (v) to function as a learning resource centre;
- (vi) to provide for arrangement for national and global participation in the field of higher and professional education including technical education; and
- (vii) to establish close linkage with the industry to make teaching, research and training at the university relevant to the needs of the economy, at national and global level.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.
- (2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

6. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

University open to all irrespective of sex, religion, class, creed or opinion.

Powers and functions of University.

- (i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to science and technology and allied areas and for the advancement and dissemination of science and technology and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the field of science and technology in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode also and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such

- conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the Regulations;
- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Regulations;
 - (vii) to establish such special centers, specialized study centers or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
 - (viii) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;
 - (ix) to sponsor and undertake research in all aspects of science and technology and allied areas;
 - (x) to collaborate or associate with, advise, administer, control , develop, maintain, or take over by way of merger or otherwise, any educational institution with like or similar objects;
 - (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
 - (xii) to develop and maintain relationships with teachers, researchers, and domain experts in science and technology and allied areas in any part of the world for achieving the objects of the University;
 - (xiii) to regulate the expenditure and to manage the finances and to maintain accounts of the University;
 - (xiv) to receive funds from industry, national and international organisations or any other source as gifts, donations,

- benefactions, bequests and by transfers of movable and immovable properties, for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;
 - (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
 - (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Regulations;
 - (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
 - (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
 - (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
 - (xxi) to draw and accept, to make and endorse, to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;
 - (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of

the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of property, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;
- (xxv) to admit the students for the courses offered by the University in the manner prescribed by the Regulations;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxviii) to institute professorship, associate professorship, assistant professorship, readerships, lecturerships, and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the University;
- (xxx) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers except the power to make regulations to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating them;

(xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

7. (1) The Patron Trustee of the Nirma Education and Research Foundation, Ahmedabad shall be the President of the University for life at his pleasure. He may at his pleasure designate any other permanent Trustee of the Trust to be the President of the University.

President.

(2) The President shall have, subjects to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipment and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

8. The following shall be the authorities of the University, namely:-

Authorities of
University.

- (a) the Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be declared by the Regulations to be authorities of the University.

9. The following shall be the officers of the University, namely:-

Officers of
University.

- (a) the Director,
- (b) the Deans,
- (c) the Executive Registrar, and
- (d) such other persons as may be declared by the Regulations to be officers of the University.

**Board of
Governors.**

10. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) The President shall be the Chairman of the Board;
- (ii) two representatives of the Trust;
- (iii) Director of the University;
- (iv) two Deans of the University, by rotation, to be nominated by the Director;
- (v) Secretary to Government, Science and Technology Department, Government of Gujarat;
- (vi) three experts academicians to be nominated by the President;
- (vii) three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the President; and
- (viii) two representatives of the Industries to be nominated by the President.

(2) The Executive Registrar shall be the Secretary of the Board.

**Chairman of
Board.**

11. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.

**Powers and
functions of
Board.**

12. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely :-

- (i) to take decisions on question of policy relating to the administration and working of the University;

- (ii) to institute courses of study at the University;
- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University for every financial year;
- (v) to invest monies and funds of the University and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treaties, books, periodicals, reports and other literature and to sell or arrange for the sale as it may deem fit from time to time;
- (vii) to create or abolish posts of teachers and other employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate any of its powers to the Director, Deans, Executive Registrar, or any other officer, employee or authority of the University or to a committee appointed by it; and
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or Regulations and all such other powers for achieving the objects of the University.

13. (1) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;
- (2) an ex-officio member shall continue so long as he holds the office by virtue of which he is such member;
- (3) any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled by nomination of another person by the President;

Term of office and vacancies among members of Board.

- (4) a member nominated under sub-section (3) shall continue for the remainder of the term of a member in whose place he is nominated;
- (5) an outgoing member shall be eligible for re-nomination for the next term;
- (6) a member may resign his office by writing under his hand addressed to the President but he shall continue in office until his resignation has been accepted by the President.

Academic Council.

14. (1) The Academic Council of the University shall consist of the following members, namely:-

- (i) the Director of the University, *ex officio*, who shall be the Chairman of the Academic Council;
 - (ii) two academicians or professionals, to be nominated by the Board;
 - (iii) two external academicians or professionals in the area of science and technology, to be nominated by the Director;
 - (iv) two Deans of the University, by rotation to be nominated by the Director;
 - (v) one Professor from each discipline of the University, by rotation to be nominated by the Director; and
 - (vi) the Executive Registrar who shall be the non-member Secretary of the Council.
- (2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers and functions of Academic Council.

15. Subject to the provisions of this Act, and the Regulations, the Academic Council of the University shall have the following powers, namely:-

- (i) to exercise control and general regulation over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

16. (1) The Finance Committee shall consist of the following members, namely:-

Finance Committee.

- (i) the Director of the University *ex-officio* shall be the Chairman of the Committee;
- (ii) one Member of the Board to be nominated by the President;
- (iii) one Dean of the University by rotation to be nominated by the Director;
- (iv) one expert to be nominated by the President; and
- (v) the Executive Registrar shall be the non-member Secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers and functions of Finance Committee.

17. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all proposals relating to revision of scale, upgradation of the scale and those items which are not included in the budget, before they are placed before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations.

Director.

18. (a) The Director shall be appointed by the Board out of the panel of names recommended from time to time by the Committee consisting of the following members, namely:-

- (i) an eminent technologist to be nominated by the President;
- (ii) an eminent educationist to be nominated by the President; and

- (iii) one member of the Board to be nominated by the President.
- (b) The President shall designate one member as the chairman of the Committee.
- (c) The term of office of the Director shall be determined by the Board for the period not exceeding five years.
- (d) Notwithstanding anything contained in clauses (a) and (c) of sub-section (1), the Director of the University holding the office at the commencement of this Act, shall be deemed to have been appointed as the first Director.
- (e) Where a vacancy in the office of Director occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of clauses (a) and (c) of this section and if there is any emergency, the President, in consultation with the Board, may appoint any suitable person to be the Director and may, from time to time, extend the term for a period not exceeding one year;
- (f) The conditions of service of the Director, including salary, allowances, leave, pension and provident fund shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the President.

19. (1) The Director shall be the Chief Executive and Academic Officer of the University. He shall preside over at the meetings of the Academic Council and Finance Committee.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Director shall -

- (i) exercise general supervision and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;

Powers and
duties of
Director.

- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him under this Act or the Regulations or as may be delegated to him by the Board or the President, as the case may be.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not have been taken by the Director, it may refer the matter to the Chairman who may either confirm the action taken by the Director or annul the same or modify it in such manner as he thinks fit, and thereupon it shall cease to have effect or as the case may be, shall take effect in such modified form; so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the orders of the Director.

(4) Where the exercise of the power by the Director under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of order of the Director, otherwise the same shall cease to have effect on the expiration of a period of six months from the date of order of the Director.

Executive
Registrar

20. (1) The Executive Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the Regulations.

(2) The Executive Registrar shall exercise the following powers and perform following duties, namely :-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Board and other authorities of the University, all such information as may be necessary for transaction of its business;
- (iii) he shall be responsible to the Director for the proper discharge of his functions;
- (iv) he shall, subject to the control of the Director, be responsible for the administration and services of the University and conduct the examinations and make all other arrangements necessary therefor and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all documents on behalf of the University; and
- (vi) he shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the Regulations or as may be delegated to him by the Board or the Director.

21. (1) The Deans of the University shall be appointed by the Director, with the approval of the Chairman of the Board, from amongst the Faculty of the University.

The Deans.

(2) The Deans shall assist the Director in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed by the Regulations or be entrusted to them by the Director.

Permanent
Endowment
Fund of
University.

22. The Trust shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of ten crores of rupees or a sum required for meeting the full operational expenditure of the University for three years, in long term interest bearing securities issued or guaranteed by the Central or State Government. On the termination of the involvement of the trust and after meeting the operational expenditure for three years, out of the Permanent Endowment Fund, if there is any unused balance that shall be paid back to the Trust.

Payment to
University.

23. The Trust may pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

Funds of
University.

24. (1) The University shall have its own funds consisting of

- (i) all monies provided by the Trust;
- (ii) all fees and other charges received by the University;
- (iii) all monies received by the University by way of grants, loans, gifts, donations, beifications, bequests or transfers;
- (iv) all monies received by the University from the collaborating Industry in terms of the provisions of the Memorandum of Understanding between the University and the Industry, for establishment of sponsored chairs, fellowships and infrastructure facilities of the University; and
- (v) all monies received by the University in any other manner or from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions.

25. (1) The University shall maintain proper accounts and other records, and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the Regulations.

Accounts and audit.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be prescribed by the Regulations.

(3) The Accounts of the University shall be audited not less than once per year by a statutory auditor who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountant Act, XXVII of 1949, who shall be appointed by the Board.

(4) The Accounts of the University certified by the person or firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The Accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare each year a report of its activities during the previous year and submit it in the form of an annual report to the Board for review and approval.

26. (1) The University shall, with approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner

Pension and provident fund.

and subject to such conditions, as may be prescribed by the Regulations, such schemes of pension, provident funds and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University.

(2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

XIX of 1925.

**Acts and
proceedings not
to be invalidated
by vacancies.**

27. No act or proceeding of the Board, or any authority of the University or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, Authority or Committee of the University.

**Conferment of
degrees, diplomas
and grant of
certificates by
University.**

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates, and confer degrees and honorary degrees, and other academic distinctions and titles, as approved by the Board.

**Returns and
information.**

29. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

**Management of
University on
dissolution of
trust.**

30. The trust shall give a notice of not less than six months period to the State Government of its intention to dissolve the trust. Upon receipt of any notice from the Trust, the State Government shall make arrangements for administration of the University from the date of dissolution of the Trust and until the last batch of students in regular courses of the University complete their courses. The expenditure for administration of the University during taken-over period of its management shall be met out of the

Permanent Endowment Fund of the University. On dissolution of the Trust, this fund shall be in the form of a corpus fund.

31. The State Government shall have powers to issue directions from time to time as may be required to be followed by the University under the provisions of this Act, the Regulations made thereunder and under any other law for the time being inforce.

Powers of
State
Government

32. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make Regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the First Meeting of the Board, and the quorum and conduct of business at such meetings;
- (ii) the power and functions to be exercised and discharged by the President of the Board of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any Committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;

- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefit of officers, teachers, and other employees of the University;
- (xiii) the terms and conditions applicable for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;

- (xvi) the classification and procedure for appointment of officers and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the University;
- (xix) the powers and duties of the Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein; and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

33. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act and the Regulations, the President of the University may, at any time, before all authorities of the University have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the Regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the Regulations:

Removal of difficulties at the commencement.

Provided that before making any such order the President may ascertain and consider the opinion of the Director and of such appropriate authority of the University as may have been constituted.

Transitory provisions.

34. Notwithstanding anything contained in this Act,-
- (1) the Director may, with the prior approval of the President and subject to availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any power or perform any duties which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Regulations;
 - (2) the Board of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Board is constituted for the University under this Act, but on the constitution of the Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
 - (3) the Academic Council of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Academic Council is constituted for the University under this Act, but on the constitution of the Academic Council under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;
 - (4) the Finance Committee of the Institute functioning as such immediately before the commencement of this Act shall continue to so function until the Finance Committee is constituted for the University under this Act, but on the constitution of the Finance Committee under this Act, the members of the Finance Committee holding office before such constitution shall cease to hold office;
 - (5) until the first Regulations of the University are made under this Act, the existing rules and regulations of the Nirma Education and Research Foundation, Ahmedabad, as approved by the Board as in force immediately before the commencement of this Act, shall continue to apply to the University, in so far as they are not inconsistent with the provisions of this Act.

35. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Director, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any Regulation made thereunder.

Indemnity.

Government Central Press, Gandhinagar.

(C)



The Gujarat Government Gazette

EXTRAORDINARY

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PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31st March, 2003).

AN ACT

further to amend the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Act, 2003.

Short title and commencement.

(2) It shall come into force at once.

Bom. LXVII
of 1958.
IV of 1939
59 of 1988.

2. In the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (hereinafter referred to as "the principal Act"), in section 2, in clauses (4), (6), (7) and (10), for the words and figures "the Motor Vehicles Act, 1939" wherever they occur, the words and figures "the Motor Vehicles Act, 1988" shall be substituted.

Amendment
of section 2 of
Bom. LXVII
of 1958.

Amendment
of section 3 of
Bom. LXVII
of 1958.

3. In the principal Act, in section 3, in sub-section (2), for the words "nearest naya paise, fractions of half a naya paise and over being counted as one and less than half being disregarded", the words "nearest rupee, the fraction of a rupee not exceeding fifty paise shall be ignored and the fraction of a rupee exceeding fifty paise shall be taken as a rupee" shall be substituted.

Amendment
of section 14
of Bom.
LXVII of
1958.

4. In the principal Act, in section 14, in sub-section (2), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

V of 1898.
2 of 1974.

Government Central Press, Gandhinagar.

(C)



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V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31st March, 2003.

AN ACT

further to amend the Gujarat Regularisation of Unauthorised Development
Act, 2001.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2003.

Short title
and
commencement.
2. It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 3 of Guj.
23 of 2001.**

2. In the Gujarat Regularisation of Unauthorised Development Act, 2001 (hereinafter referred to as "the principal Act"), in section 3,-

Guj. 23 of
2001.

(1) in sub-section (2), --

(a) in clause (a), -

(i) for the portion beginning with the words "per square meter of each category" and ending with the words "specified therein", the words "as may be prescribed by the State Government" shall be substituted;

(ii) the provisos shall be deleted,

(b) the TABLE OF FEES and *Explanation* thereunder shall be deleted;

(2) in sub-section (3), in clause (b), to sub-clause (i), the following proviso shall be inserted, namely :-

"Provided that the provision of this sub-clause shall not apply to the buildings having ground plus one floor constructed as load-bearing structure."

**Insertion of new
section 3A in
Guj. 23 of 2001.**

3. In the principal Act, after section 3, the following section shall be inserted, namely :-

**Application of
sections 3 and 4
in certain
circumstances.**

"3A. (1) The provisions of sections 3 and 4, as amended by the Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2003, shall also be applicable where certificate referred to in sub-section (3) of section 3 has not been issued on the date of commencement of the said Act.

Guj. 12 of
2003.

(2) The notice issued to the person under sub-section (2) of section 3 shall be deemed to be a notice issued under the provisions of this Act as amended by the Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2003."

Guj. 12 of
2003.

**Amendment of
section 4 of
Guj. 23 of 2001.**

4. In the principal Act, in section 4, in sub-section (3), in clause (b), to sub-clause (i), after the existing proviso, the following proviso shall be inserted, namely :-

"Provided further that in case where it is not feasible to provide the parking facilities as mentioned above, the designated authorities may charge parking creation fee, as may be decided by the designated authority and facilitate in providing the required facilities or may provide for the same on the basis of build, own, operate and transfer on behalf of the defaulters."

5. In the principal Act, in section 9, in sub-section (2), after clause (a), the following clause shall be inserted, namely :-

"(aa) the rates of fees under sub-section (2) of section 3;"

Amendment of
section 9 of
Guj. 23 of
2001.

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to by the Governor on the 29th March, 2003 is hereby published for
general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

to authorise payment and appropriation of certain further sums from
and out of the Consolidated Fund of the State of Gujarat for the
Services of the financial year ending on the thirrty-first day
of March, 2003.

It is hereby enacted in the Fifty-fourth Year of the Republic of
India as follows :-

- | | |
|--|--|
| <p>1. This Act may be called the Gujarat (Supplementary) Appropriation
Act, 2003.</p> <p>2. From and out of the Consolidated Fund of the State of Gujarat,
there shall be paid and applied sums not exceeding those specified in
column 3 of the Schedule hereto annexed amounting in the aggregate to
the sum of twenty-two thousand four hundred sixty-nine crores,
eighteen lakhs, twenty-one thousand rupees towards defraying the
several charges which will come in course of payment during the
financial year ending on the thirty-first day of March, 2003, in respect of
the services and purposes specified in column 2 of the Schedule.</p> <p>3. The sums authorised to be paid and applied from and out of the
Consolidated Fund of the State of Gujarat by this Act shall be
appropriated for the services and purposes expressed in the Schedule in
relation to the said year.</p> | <p>Short title.</p> <p>Issue of
Rs. 2,24,69,18,21,000
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2002-2003.</p> <p>Appropriation.</p> |
|--|--|

SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes	Voted	Sums not exceeding	
			Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
2	Agriculture	Revenue	1,12,000	1,12,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	4,11,00,000	4,11,00,000
4	Animal Husbandry and Dairy Development	Revenue	2,40,17,000	2,40,17,000
		Capital	7,83,00,000	7,83,00,000
5	Co-operation	Revenue	2,000	4,000
		Capital	4,27,18,000	4,27,18,000
8	Education	Revenue	2,000	2,000
12	Energy Projects	Revenue	5,71,92,75,000	5,71,92,75,000
		Capital	14,11,49,01,000	14,11,49,01,000
13	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Capital	1,000	1,000
14	Finance Department	Revenue	1,000	1,000
15	Tax Collection Charges (Finance Department)	Revenue	2,25,78,000	2,25,78,000
17	Pension and other Retirement Benefits	Revenue	97,87,00,000	97,87,00,000
18	Other Expenditure pertaining to Finance Department	Capital	1,000	1,000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue	2,63,02,19,000	2,63,02,19,000
		Capital	1,95,81,93,86,000	1,95,81,93,86,000
25	Forests	Revenue	17,00,000	10,000
		Capital	1,000	1,000
30	Elections	Revenue	3,000	3,000
32	General Administration Department	Revenue	2,000	2,000
33	Economic Advice and Statistics	Revenue	3,000	3,000
34	Other Expenditure pertaining to General Administration Department	Revenue	91,000	22,51,25,000
38	Medical and Public Health	Revenue	7,000	7,000
39	Family Welfare	Revenue	1,000	1,000

No. of Vote/ Appropriation	Services and Purposes	Voted	Sums not exceeding		
				Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.	Rs.
42	Police	Revenue	45,81,57,000	50,000	45,82,07,000
44	Transport	Revenue	1,000	-	1,000
46	Other Expenditure pertaining to Home Department	Revenue	3,000	-	3,000
48	Stationery and Printing	Revenue	1,000	-	1,000
49	Industries	Revenue	2,000	-	2,000
50	Mines and Minerals	Revenue	1,000	5,000	6,000
51	Tourism	Revenue	1,000	-	1,000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	26,95,000	-	26,95,000
60	Administration of Justice	Revenue	-	1,68,67,000	1,68,67,000
65	Narmada Development Scheme	Capital	2,73,00,00,000	-	2,73,00,00,000
66	Irrigation and Soil Conservartion	Revenue	1,000	2,73,60,000	2,73,61,000
		Capital	-	1,50,29,000	1,50,29,000
67	Water Supply	Revenue	12,11,78,000	-	12,11,78,000
		Capital	8,27,30,000	-	8,27,30,000
68	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	-	2,40,81,000	2,40,81,000
70	Community Development	Revenue	4,000	-	4,000
71	Rural Housing and Rural Development	Revenue	2,000	-	2,000
72	Compensation and Assignments	Revenue	8,94,26,000	-	8,94,26,000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	5,00,000	-	5,00,000
76	Revenue Department	Revenue	1,01,30,000	-	1,01,30,000
77	Tax Collection Charges (Revenue Department)	Revenue	20,27,000	25,000	20,52,000
78	District Administrartion	Revenue	1,50,000	78,000	2,28,000
81	Compensation and Assignments	Revenue	-	1,00,000	1,00,000
		Capital	-	1,73,000	1,73,000

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		Rs.	Rs.	Rs.
82	Other Expenditure pertaining to Revenue Department	Revenue	1,05,63,35,000		1,05,63,35,000
84	Non-Residential Buildings	Revenue		5,85,000	5,85,000
		Capital	2,000		2,000
85	Residential Buildings	Revenue		1,02,000	1,02,000
		Capital		3,36,000	3,36,000
86	Roads and Bridges	Revenue	18,21,36,000	26,07,000	18,47,43,000
		Capital		44,64,000	44,64,000
87	Gujarat Capital Construction Scheme	Capital	5,03,00,000	36,000	5,03,36,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	1,25,97,000	1,04,07,000	2,30,04,000
90	Social Security and Welfare	Revenue	1,000		1,000
94	Tribal Area Sub-Plan	Revenue		73,85,000	73,85,000
		Capital		42,54,000	42,54,000
96	Youth Services and Cultural Activities	Revenue	1,09,52,000		1,09,52,000
100	Urban Development	Revenue	2,000		2,000
103	Women and Child Development Department	Revenue	10,71,000		10,71,000
104	Other Expenditure pertaining to Women and Child Development Department	Revenue	6,93,03,000		6,93,03,000
Total:		Revenue	9,02,91,02,000	2,72,00,88,000	11,74,91,90,000
		Capital	17,09,89,53,000	1,95,84,36,78,000	2,12,94,26,31,000
GRAND TOTAL :			26,12,80,55,000	1,98,56,37,66,000	2,24,69,18,21,000

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by
the Governor on the 29th March, 2003 is hereby published for general
information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette", on the 31st March, 2003).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as
follows :-

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 2003.

(2) It shall come into force on the 1st April, 2003.

Short title
and
commencement.

**Amendment
of section
67A of Bom.
V of 1879.**

Bom. V
of 1879.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 67A,-

- (1) in in sub-sections (1) and (2), for the words, brackets and figures "in column (3), (4), (5), (6) or (7)", the words, brackets and figures "in column (3) or (4)" shall be substituted;
- (2) sub-section (2A),-
 - (i) for the word, brackets and figure "column (6)", the word, brackets and figure "column (4)" shall be substituted;
 - (ii) for the words, brackets and figures "columns (3), (4) and (5)", the word, brackets and figure "column (3)" shall be substituted;
- (3) for the existing Table and *Explanation* thereunder, the following Table shall be substituted, namely :-

"T A B L E

Sr. No:	Area in which land is situated	Rate of conversion tax per square metre of land	
		when land is to be used for temporary non-agricultural purpose or for residential purpose or for charitable purpose.	when land is to be used for industrial purpose or for any other purpose.
1	2	3	4
1.	Villages, Municipal boroughs, notified areas and cities having population not exceeding one lakh as per the last census.	Rs. 2.00	Rs. 6.00
2.	Municipal boroughs, notified areas and cities with a population exceeding one lakh as per the last census.	Rs. 10.00	Rs. 30.00

Explanation:- In the above Table, "municipal borough" or "notified area" means respectively a municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963."

Guj. 34 of
1964.



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V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 2003.

Short title
and
commence-
ment.

(2) It shall come into force on the 1st April, 2003.

Substitution
of section 3A
of Bom. LX
of 1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act), for section 3A, the following section shall be substituted, namely :-

Bom. LX
of 1958.

Instruments
chargeable
with
additional
duty.

"3A. (1) Every instrument chargeable with duty and described in the following articles of Schedule I when executed in respect of immovable property situated in the State shall, in addition to such duty, be chargeable with a duty at the rate of forty per cent. (including rate of stamp duty to be increased as provided for in sections 207 and 209 of the Gujarat Panchayats Act, 1993) of such duty, namely : -

Guj. 18 of
1293.

- (1) No. 17 (Certificate of sale),
- (2) No. 20(a), 20(b) and 20(c) (Conveyance),
- (3) No. 26 (Exchange of property),
- (4) No. 27 (Further charge),
- (5) No. 28 (Gift),
- (6) No. 30 (Lease),
- (7) No. 36 (Mortgage-deed),
- (8) No. 45(f) (Power of Attorney when given for consideration and authorising the attorney to sell any immovable property),
- (9) No. 52 (Settlement),
- (10) No. 57 (Transfer of lease).

(2) Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3."

Deletion of
section 3B of
Bom. IX of
1958.

3. In the principal Act, section 3B shall be deleted.

Amendment of
Schedule I to
Bom. LX of
1958.

4. In the principal Act, in Schedule I:-

(1) in article 27, after clause (b), the following clause shall be inserted, namely : -

"(c) when original mortgage is one of the description referred to in clause (b) (i) of article 36. The same duty as is leviable under article 6 (1) (a).";

(2) in article 36, -

(a) for clause (b), the following clause shall be substituted, namely : -

"(b) When possession of the property or any part of the property

comprised in such deed is not given or
not agreed to be given, -

- (i) in the case of such deed executed in respect of borrowing loans for residential purpose; The same duty as is leviable under article 6(1)(a).
- (ii) in any other case Subject to maximum of rupees two lakhs, two rupees for every hundred rupees or part thereof for the amount secured by such deed.”;
- (b) after *Explanation I*, the following *Explanation II* shall be inserted, namely :-

“*Explanation II.*- For the purpose of this article, the expression “residential purpose” means and includes acquiring of land, constructing, purchasing or repairing a dwelling house for own use.”

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V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2003. Short title and commencement.
- (2) It shall come into force on the 1st April, 2003.

Amendment of
section 3 of Bom.
LXV of 1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 3, in the proviso to sub-section (1), the words, figure and letter "section 3A or" shall be deleted.

Bom. LXV of
1958.

Amendment of
section 4 of Bom.
LXV of 1958.

3. In the principal Act, in section 4, in the *Explanation*, for the words, brackets and figures "sub-section (6) of section 9", the words, brackets, figures and letters "sub-section (6) of section 9, sub-section (1AA) of section 18" shall be substituted.

Insertion of new
section 8A in
Bom. LXV of
1958.

Interest
on non-
payment
of tax.

4. In the principal Act, after section 8, the following new section shall be inserted, namely :-

"8A. (1) Where the whole or any portion of the tax due in accordance with the provisions of this Act in respect of any motor vehicle for any period or part thereof has not been paid in time by the person liable for the payment thereof, such person shall be liable to pay in addition to the tax so due, simple interest at the rate of two per cent. for each month or part thereof, on the amount of tax so due but not so paid or any less amount thereof remaining unpaid during such period.

(2) In calculating the amount of interest payable under this section, the fraction of a rupee not exceeding fifty paise shall be ignored and the fraction of a rupee exceeding fifty paise shall be taken as a rupee.

(3) Subject to such conditions as may be prescribed, the State Government may, if it considers it necessary so to do in the public interest, by an order remit the whole or any part of the interest payable under this section in respect of any specified period."

Amendment of
section 12 of Bom.
LXV of 1958.

5. In the principal Act, in section 12, for the word "tax", the words "tax, penalty or interest" shall be substituted.

Amendment of
section 13 of Bom.
LXV of 1958.

6. In the principal Act, in section 13, -

- (1) sub-section (1) shall be deleted;
- (2) in sub-section (2), the words, bracket and figure "other than those falling under sub-section (1)" shall be deleted;
- (3) the *Explanation* shall be deleted.

7. In the principal Act, in section 18,-

(1) after sub-section (1A), the following sub-section shall be inserted, namely :-

"(1AA) Where a register owner or any person in possession or control of an omnibus who is required to use or to keep for use such omnibus for the purpose for which it is registered is found using such omnibus other than that purpose, the Taxation Authority may levy a penalty equal to the monthly instalment of tax for that month payable in respect of the designated omnibus."

(2) in sub-section (2), after the words, brackets, figure and letter "sub-section (1A)", the words, brackets, figures and letters "or sub-section (1AA)" shall be inserted.

8. In the principal Act, in section 23, in sub-section (2), in clause (b), the words, brackets, figures and letter "under sub-sections (2) and (3) of section 3A and" shall be deleted.

9. In the principal Act, in the First Schedule,-

(1) in Part I,-

(a) for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;

(b) in clause IV-AAA, in item (a), -

(i) for sub-item (i), the following shall be substituted, namely:-

(i) Ordinary designated omnibuses licensed to carry not more than twelve passengers.	Rs. 1800 for every passenger which the vehicle is so licensed to carry.
--	---

(ii) Ordinary designated omnibuses licensed to carry more than twelve passengers but not more than twenty passengers.	Rs. 3800 for every passenger which the vehicle is so licensed to carry.";
---	---

(ii) the existing sub-item (ii) shall be renumbered as sub-item (iii);

(2) in Part II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.

Amendment of
section 18 of Bom.
LXV of 1958.

Amendment of
section 23 of Bom.
LXV of 1958.

Amendment of
First Schedule to
Bom. LXV of
1958.

**Amendment of
Second Schedule
to Bom. LXV of
1958.**

10. In the principal Act, in the Second Schedule, -

- (1) in Part-I, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;
- (2) in Part-II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.

**Amendment of
Third Schedule
to Bom. LXV of
1958**

11. In the principal Act, in the Third Schedule, -

- (1) in Part – I, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;
- (2) in Part – II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.

**Amendment of
Fourth Schedule
to Bom. LXV of
1958.**

12. In the principal Act, in the Fourth Schedule, -

- (1) in Part-I, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;
- (2) in Part-II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.

**Amendment of
Sixth Schedule to
Bom. LXV of
1958.**

13. In the principal Act, in the Sixth Schedule, -

- (1) in Part-I, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;
- (2) in Part-II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.

**Amendment of
Eighth Schedule
to Bom. LXV of
1958.**

14. In the principal Act, in the Eighth Schedule, -

- (1) in Part-I, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted;
- (2) in Part-II, for the words "compressed natural gas", the words "compressed natural gas, liquid petroleum gas" shall be substituted.



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the Governor on the 29th March, 2003 is hereby published for general
information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

to authorise payment and appropriation of certain sums from and out
of the Consolidated Fund of the State of Gujarat for the services of the
financial year ending on the thirty-first day of March, 2004.

It is hereby enacted in the Fifty-fourth Year of the Republic of
India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2003.

Short title.

**Withdrawal of
Rs. 3,15,05,99,12,000
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2003-2004.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of thirty-one thousand five hundred five crores, ninety-nine lakhs, twelve thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2003-04 in respect of the services and purposes specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	4,25,40,000	-
2	Agriculture	Revenue	4,55,16,86,000	-
		Capital	50,00,000	-
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	37,06,10,000	-
		Capital	20,000	-
4	Animal Husbandry and Dairy Development	Revenue	59,22,04,000	-
5	Co-operation	Revenue	36,51,58,000	-
		Capital	8,21,82,000	-
6	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	9,27,20,000	-
7	Education Department	Revenue	2,92,45,000	-
8	Education	Revenue	38,66,01,39,000	1,27,79,50,000
9	Other Expenditure pertaining to Education Department	Revenue	1,13,80,000	-
		Capital	67,43,00,000	-
10	Energy and Petro-Chemicals Department	Revenue	1,18,15,000	-
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	6,57,96,000	-
12	Energy Projects	Revenue	17,77,73,34,000	2,25,00,000
		Capital	4,92,13,02,000	-
13	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	15,00,000	-
		Capital	5,78,00,000	-
14	Finance Department	Revenue	6,85,00,000	-
		Capital	9,00,000	-
15	Tax Collection Charges (Finance Department)	Revenue	66,78,87,000	-
16	Treasury and Accounts Administration	Revenue	38,32,50,000	-

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.	Rs.
17	Pension and other Retirement Benefits	Revenue	13,07,49,00,000	10,00,000	13,07,59,00,000
18	Other Expenditure pertaining to Finance Department	Revenue	2,99,99,14,000	-	2,99,99,14,000
19	Repayment of debt pertaining to Finance Department and its servicing	Capital	3,59,25,000	1,00,000	3,60,25,000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	7,09,17,000	-	7,09,17,000
21	Civil Supplies	Revenue	1,36,40,94,000	-	1,36,40,94,000
22	Food	Revenue	11,54,60,000	-	11,54,60,000
		Capital	6,00,000	-	6,00,000
23	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	60,10,000	-	60,10,000
24	Forests and Environment Department	Revenue	1,89,75,000	-	1,89,75,000
25	Forests	Revenue	1,15,99,13,000	-	1,15,99,13,000
		Capital	95,61,88,000	-	95,61,88,000
26	Environment	Revenue	5,84,00,000	-	5,84,00,000
27	Other Expenditure pertaining to Forest and Environment Department	Capital	4,70,25,000	-	4,70,25,000
28	Governor	Revenue	-	2,44,78,000	2,44,78,000
29	Council of Ministers	Revenue	2,93,51,000	-	2,93,51,000
30	Elections	Revenue	16,98,54,000	-	16,98,54,000
31	Public Service Commission	Revenue	73,60,000	2,83,65,000	3,57,25,000
32	General Administration Department	Revenue	27,47,68,000	-	27,47,68,000
33	Economic Advice and Statistics	Revenue	8,03,35,000	-	8,03,35,000
34	Other Expenditure pertaining to General Administration Department	Revenue	8,72,20,31,000	6,10,000	8,72,26,41,000
		Capital	14,09,99,28,000	-	14,09,99,28,000
35	State Legislature	Revenue	8,89,40,000	12,74,000	9,02,14,000
36	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital	24,07,000	-	24,07,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
37	Health and Family Welfare Department	Revenue	3,68,20,000	3,68,20,000
38	Medical and Public Health	Revenue	7,02,57,56,000	7,02,57,56,000
39	Family Welfare	Revenue	1,20,92,17,000	1,20,92,17,000
40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	13,35,000	13,35,000
		Capital	6,20,70,000	6,20,70,000
41	Home Department	Revenue	4,56,15,000	4,56,15,000
42	Police	Revenue	7,40,24,99,000	7,40,24,99,000
43	Jails	Revenue	23,91,90,000	23,91,90,000
44	Transport	Revenue	1,89,05,77,000	1,89,05,77,000
		Capital	20,11,00,000	20,11,00,000
45	State Excise	Revenue	4,98,70,000	4,98,70,000
46	Other expenditure pertaining to Home Department	Revenue	56,27,89,000	56,30,89,000
		Capital	1,49,73,36,000	1,49,73,36,000
47	Industries and Mines Department	Revenue	4,68,29,000	4,68,29,000
48	Stationery and Printing	Revenue	36,81,47,000	36,81,47,000
49	Industries	Revenue	3,18,85,66,000	3,18,85,66,000
		Capital	23,55,50,000	23,55,50,000
50	Mines and Minerals	Revenue	19,35,50,000	19,35,50,000
51	Tourism	Revenue	23,05,96,000	23,05,96,000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	6,52,37,000	6,52,37,000
		Capital	9,39,15,000	9,39,15,000
53	Information and Broadcasting Department	Revenue	60,80,000	60,80,000
54	Information and Publicity	Revenue	25,68,05,000	25,68,05,000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	2,08,40,000	2,08,40,000
		Capital	92,00,000	92,00,000
56	Labour and Employment Department	Revenue	2,37,00,000	2,37,00,000
57	Labour and Employment	Revenue	1,64,21,95,000	1,64,21,95,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
58	Other Expenditure pertaining to Labour and Employment Department	Capital	5,69,35,000	5,69,35,000
59	Legal Department	Revenue	2,13,46,000	2,13,46,000
60	Administration of Justice	Revenue	1,10,00,43,000	14,62,44,000 1,24,62,87,000
61	Other expenditure pertaining to Legal Department	Revenue	10,52,44,000	10,52,44,000
		Capital	2,90,55,000	2,90,55,000
62	Legislative and Parliamentary Affairs Department	Revenue	1,99,70,000	1,99,70,000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	9,10,000	9,10,000
64	Narmada, Water Resources and Water Supply Department	Revenue	5,26,15,000	5,26,15,000
65	Narmada Development Scheme	Capital	7,37,95,22,000	7,37,95,22,000
66	Irrigation and Soil Conservartion	Revenue	20,45,70,55,000	20,45,70,55,000
		Capital	3,07,07,65,000	3,07,07,65,000
67	Water Supply	Revenue	1,54,27,57,000	1,54,27,57,000
		Capital	3,60,07,00,000	3,60,07,00,000
68	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Capital	14,36,00,000	14,36,00,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	2,71,60,000	2,71,60,000
70	Community Development	Revenue	2,50,92,24,000	2,50,92,24,000
71	Rural Housing and Rural Development	Revenue	7,47,36,35,000	1,56,51,95,000 9,03,88,30,000
		Capital	3,22,50,000	3,22,50,000
72	Compensation and Assignments	Revenue	68,31,42,000	68,31,42,000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	77,33,20,000	77,33,20,000
		Capital	30,74,40,000	30,74,40,000
74	Fisheries	Revenue	35,05,07,000	35,05,07,000
		Capital	4,31,75,000	4,31,75,000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	89,30,000	89,30,000
		Capital	31,00,000	31,00,000

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	Rs.	Rs.	Rs.	
76	Revenue Department	Revenue	7,42,60,000	-	7,42,60,000
77	Tax Collection Charges (Revenue Department)	Revenue	53,13,22,000	-	53,13,22,000
78	District Administrartion	Revenue	46,14,76,000	-	46,14,76,000
79	Relief on account of Natural Calamities	Revenue	6,31,84,00,000	-	6,31,84,00,000
80	Dangs District	Revenue	17,67,24,000	-	17,67,24,000
81	Compensation and Assignments	Revenue	22,86,80,000	8,00,000	22,94,80,000
		Capital	1,97,00,000	2,00,000	1,99,00,000
82	Other Expenditure pertaining to Revenue Department	Revenue	43,40,000	-	43,40,000
		Capital	3,76,30,000	-	3,76,30,000
83	Roads and Buildings Department	Revenue	6,18,00,000	-	6,18,00,000
84	Non-Residential Buildings	Revenue	2,17,81,78,000	13,50,000	2,17,95,28,000
		Capital	99,35,16,000	-	99,35,16,000
85	Residential Buildings	Revenue	75,30,50,000	-	75,30,50,000
		Capital	17,79,40,000	-	17,79,40,000
86	Roads and Bridges	Revenue	4,84,87,62,000	-	4,84,87,62,000
		Capital	6,04,17,76,000	-	6,04,17,76,000
87	Gujarat Capital Construction Scheme	Revenue	8,23,68,000	-	8,23,68,000
		Capital	26,23,00,000	-	26,23,00,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	11,26,60,000	-	11,26,60,000
		Capital	5,63,45,000	-	5,63,45,000
89	Science and Technology Department	Revenue	38,29,26,000	-	38,29,26,000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	27,58,65,000	-	27,58,65,000
		Capital	10,14,15,000	-	10,14,15,000
91	Social Justice and Empowerment Department	Revenue	2,14,60,000	-	2,14,60,000
92	Social Security and Welfare	Revenue	1,94,74,22,000	85,00,000	1,95,59,22,000
		Capital	1,49,31,000	-	1,49,31,000
93	Welfare of Scheduled tribes	Revenue	65,07,15,000	-	65,07,15,000
		Capital	1,30,00,000	-	1,30,00,000

No. of Vote/ Appropriation	Services and Purposes	Amounts not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3	Rs.	Rs.	
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	1,47,30,000	-	1,47,30,000
95	Special Component Plan for Scheduled Castes	Revenue	2,97,66,66,000	-	2,97,66,66,000
		Capital	11,90,60,000	-	11,90,60,000
96	Tribal Area Sub-Plan	Revenue	8,31,27,99,000	-	8,31,27,99,000
		Capital	1,26,13,20,000	-	1,26,13,20,000
97	Sports, Youth and Cultural Activities Department	Revenue	95,20,000	-	95,20,000
98	Youth Services and Cultural Activities	Revenue	25,17,05,000	-	25,17,05,000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	19,55,000	-	19,55,000
100	Urban Development and Urban Housing Department	Revenue	1,72,65,000	-	1,72,65,000
101	Urban Housing	Revenue	11,04,45,000	56,54,53,000	67,58,98,000
102	Urban Development	Revenue	3,72,13,37,000	-	3,72,13,37,000
		Capital	1,01,00,000	-	1,01,00,000
103	Compensation, Assignments and Tax Collection Charges	Revenue	74,36,00,000	24,00,03,000	98,36,03,000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	1,13,85,000	-	1,13,85,000
		Capital	87,80,000	-	87,80,000
105	Women and Child Development Department	Revenue	57,80,000	-	57,80,000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1,90,71,54,000	30,00,000	1,91,01,54,000
		Capital	10,10,000	-	10,10,000
Total:		Revenue	1,88,64,34,81,000	55,88,80,94,000	2,44,53,15,75,000
		Capital	46,88,44,38,000	23,64,38,99,000	70,52,83,37,000
Grand Total:-			2,35,52,79,19,000	79,53,19,93,000	3,15,05,99,12,000



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2003

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 31st March, 2003).

AN ACT

further to amend the Bombay Court - fees Act, 1959.

It is hereby enacted in the Fifty-fourth Year of the Republic of India
as follows:

1. (1) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 2003.
2. It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement

~~Amendment of
Section 6 of Bom.
XXXVI of 1959.~~

2. In the Bombay Court -fees Act, 1959 (hereinafter referred to as "the principal Act"), in section 6,-

- (1) in clause (iv),-
- (a) in sub-clause (a), for the words "fifteen rupees", the words "thirty rupees" shall be substituted;
- (b) in sub-clause (d),-
 - (i) for words "eighteen rupees and seventy-five *naye paisa*", the words "forty rupees" shall be substituted;
 - (ii) in the proviso, for the words "fifteen rupees", the words "thirty rupees" shall be substituted;
- (c) in sub-clause (e), for the existing Table, the following Table shall be substituted, namely:-

"TABLE"

AREA (1)	FEES (2)
(a) The area within the limits of the Municipal Corporation	One fourth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less subject to a minimum fee of Rs. 30/-
(b) Area within the limits of the Municipality	One-sixth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less, subject to a minimum fee of thirty rupees.
(c) Any other area in the State of Gujarat.	Thirty rupees;"
(d) in sub-clause (f),-	
(i) for the words "thirty rupees", the words "sixty rupees" shall be substituted;	

(ii) in the proviso, for the words "fifty rupees", the words "one hundred rupees" shall be substituted;

(e) after sub-clause (h), the following sub-clauses shall be inserted, namely :-

For avoidance of sale, contract for sale etc.

"(ha). In suits for declaration that any sale or contract for sale or termination of the contract for sale, of any moveable or immoveable property is void – one half of *ad valorem* fee leviable on the value of the property;

For avoidance of acquisition proceedings.

"(hb). In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void – one half of *ad valorem* fee leviable on the value of the property ;

(f) in sub-clause (i), for the words "twenty rupees", the words "one hundred rupees" shall be substituted;

(g) in sub-clause (j) , for the words "thirty rupees", the words "one hundred rupees" shall be substituted;

(2) in clause (v), -

(a) in sub-clause (a), for the words "twelve and a half times", the words "twenty times" shall be substituted;

(b) in sub-clause (b), for the words, "twenty times", the words "forty times" shall be substituted;

(c) in sub-clause (c) , for the words "twenty times", the words "forty times" shall be substituted;

(3) in clause (viii), for the words "fifteen times", the words "thirty times" shall be substituted.

3. In the principal Act, in Schedule I, -

(1) for Article 1, the following shall be substituted, namely:-

Amendment of
Schedule I to
Bom. XXXVI of
1959.

“1. Plaintiff or memorandum of appeal (not otherwise provided for in this Act) or, of cross objection presented to any Civil or Revenue Court.	<p>When the amount or value of the subject matter in dispute does not exceed one hundred rupees.</p> <p>When such amount or value exceeds one hundred rupees for every ten rupees, or part thereof, in excess of one hundred rupees, upto one thousand rupees.</p> <p>When such amount or value exceeds one thousand rupees, for every hundred rupees, or part thereof, in excess of one thousand rupees, upto ten thousand rupees.</p> <p>When such amount or value exceeds ten thousand rupees, for every one thousand rupees, or part thereof, in excess of ten thousand rupees, upto one lakh of rupees.</p> <p>When such amount or value exceeds one lakh of rupees, for every ten thousand rupees, or part thereof, in excess of one lakh rupees:</p> <p>Provided that the maximum fee leviable on the plaintiff or memorandum of appeal or of cross objection shall be seventy-five thousand rupees.”;</p>	<p>Twenty rupees.</p> <p>Two rupees</p> <p>Twenty rupees</p> <p>One hundred twenty rupees</p> <p>Two hundred rupees</p>
--	---	---

(2) for article 10, the following shall be substituted, namely :-

"10. Probate of a will or letters of administration with or without will annexed.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakh rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs of rupees.

When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs of rupees:

Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1827 or any corresponding law for the

time being in force, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of latter grant shall be reduced by the amount of the fee paid in respect of the former grant;".

- (3) in Article 13, in column 3, for the words "thirty rupees", the words "sixty rupees" shall be substituted;
- (4) in Article 15, in column 3, for the words "fifteen rupees", the words "thirty rupees" shall be substituted;
- (5) in Article 16, in column 3, for the words "fifty rupees", the words "one hundred rupees" shall be substituted;
- (6) in Article 17, in column 3, for the words "fifty rupees", the words "one hundred rupees" shall be substituted;
- (7) for the existing Table appearing after Article 17, the following shall be substituted, namely :-

"Table of rates of *ad valorem* fees leviable on the institution of suits.

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs.
1	1000	10
1000	2000	200
2000	3000	300
3000	4000	400
4000	5000	500
5000	6000	600
6000	7000	700
7000	8000	800
8000	9000	900
9000	10000	1000

10000	15000	1250
15000	20000	1500
20000	21000	1525
21000	22000	1600
22000	23000	1675
23000	24000	1750
24000	25000	1825
25000	26000	1900
26000	27000	1975
27000	28000	2050
28000	29000	2125
29000	30000	2200
30000	32000	2375
32000	34000	2500
34000	36000	2650
36000	38000	2800
38000	40000	2950
40000	42000	3100
42000	44000	3250
44000	46000	3400
46000	48000	3550
48000	50000	3700
50000	55000	4000
55000	60000	4300
60000	65000	4600
65000	70000	4900
70000	75000	5200

and the fees increases at the rate of Rs. 150 for every Rs.5,000 or part thereof, upto Rs.1,00,000 and over Rs. 1,00,000 at the rates of Rs. 200 for every rupees 10,000 or part thereof, upto Rs.10,00,000 and over Rs. 10,00,000 at the rate of Rs. 1,200 for every Rs.1,00,000 or part thereof, upto Rs.20,00,000 and over Rs. 20,00,000 at the rate of Rs.500 for every Rs.1,00,000 or part thereof, upto a maximum fee of Rs.75,000, for example

Rs.	Rs.
100000	5950
200000	7950
300000	9950
400000	11950
500000	13950
600000	15950

700000	17950
800000	19950
900000	21950
1000000	23950
1100000	25150
1200000	26350
1300000	27550
1400000	28750
1500000	29950
1600000	31150
1700000	32350
1800000	33550
1900000	34750
2000000	35950
2100000	36450
2200000	36950"

Amendment of
Schedule II to
Bom. XXXVI of
1959.

4. In the principal Act, in Schedule II, -
- (1) in Article I, in column 3 :-
- (a) for the words "Twenty *naye paise*", the words "Ten rupees" shall be substituted;
- (b) for the words "Thirty - five *naye paise*", the words "Ten rupees" shall be substituted;
- (c) for the words "Sixty- five *naye paise*", the words "Twenty rupees" shall be substituted;
- (d) for the words "One rupee", the words "Fifty rupees" shall be substituted;
- (e) for the words " Two rupees fifty *naye paise*", the words "One hundred rupees" shall be substituted;
- (f) for the words " Fifty rupees", the words " One hundred rupees" shall be substituted;
- (g) for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;
- (h) for the words "Five rupees", the words "Twenty rupees" shall be substituted;

- (2) in Article 2, in column 3, for the words "Ten rupees", the words "Fifty rupees" shall be substituted;
- (3) in Article 3, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;
- (4) in Article 4, in column 3, for the words "Fifty *naye paise*", the words "Two rupees" shall be substituted;
- (5) in Article 5, in column 3, for the words "One rupee", the words "Five rupees" shall be substituted;
- (6) in Article 6, in column 3,-
 - (a) for the words "Two rupees", the words "Ten rupees" shall be substituted;
 - (b) for the words "Five rupees", the words "Twenty rupees" shall be substituted;
- (7) in Article 7, in column 3, for the words "One rupee", the words "Ten rupees" shall be substituted;
- (8) in Article 8, in column 3, for the words "One rupee", the words "Ten rupees" shall be substituted;
- (9) In Article 9, in column 3, for the words "One rupee twenty-five *naye paise*", the words "Five rupees" shall be substituted;
- (10) in Article 10, in column 3, for the words "Twenty-five *naye paise*", the words "Two rupees" shall be substituted;
- (11) in Article 11, in column 3, for the words "One rupee twenty-five *naye paise*", the words "Five rupees" shall be substituted;
- (12) in Article 12, in column 3,-
 - (a) for the words "One rupee", the words "Two rupees" shall be substituted;
 - (b) for the words "Two rupees", the words "Three rupees" shall be substituted;
 - (c) for the words "Four rupees", the words "Five rupees" shall be substituted;

- (13) in Article 13, in column 3,-
(a) for the words "One rupee", the words "Two rupees" shall be substituted;
(b) for the words "Two rupees fifty *naye paise*", the words "Five rupees" shall be substituted;
(c) for the words "Five rupees", the words "Ten rupees" shall be substituted;
- (14) in Article 14, in column 3,-
(a) for the words "Ten rupees", the words "Twenty rupees" shall be substituted;
(b) for the words "Twelve rupees fifty *naye paise*", the words "Fifty rupees" shall be substituted;
- (15) in Article 15, in column 3, for the words "Fifty *naye paise*", the words "Five rupees" shall be substituted;
- (16) in Article 16, in column 3,-
(a) for the words "Five rupees", the words "Ten rupees" shall be substituted;
(b) for the words "One rupee", the words "Five rupees" shall be substituted;
- (17) in Article 17, in column 3, for the words "Thirty-seven rupees fifty *naye paise*", the words "Fifty rupees" shall be substituted;
- (18) in Article 18, in column 3,-
(a) for the words "Fifteen rupees", the words "One hundred rupees" shall be substituted;
(b) for the words "Two rupees fifty *naye paise*", the words "Twenty five rupees" shall be substituted;
(c) for the words "Six rupees twenty-five *naye paise*", the words "Fifty rupees" shall be substituted;

- (d) for the words "Twelve rupees fifty *naye paise*", occurring at two places against items (c) and (d), the words "One hundred rupees" shall be substituted;
 - (e) for the words "Twelve rupees fifty *naye paise*" against item (e), the words "Fifty rupees" shall be substituted;
- (19) in Article 19, in column 3, for the words "Twenty-five rupees", the words "Five rupees" shall be substituted;
- (20) in Article 20, in column 3, for the words "Thirty-seven fifty *naye paise*", the words "Fifty rupees" shall be substituted;
- (21) in Article 21, in column 3, for the words "Thirty-seven rupees fifty *naye paise*", the words "Fifty rupees" shall be substituted;
- (22) in Article 22, in column 3, for the words "Two rupees", the words "Fifty rupees" shall be substituted;
- (23) in Article 23, in column 3,-
- (a) for the words "Thirty-seven rupees fifty *naye paise*", occurring at four places, the words "Fifty rupees" shall be substituted;
 - (b) for the words "Eighteen rupees seventy-five *naye paise*", the words "Twenty rupees" shall be substituted;
 - (c) for the words "Thirty rupees", the words "One hundred rupees" shall be substituted;
- (24) in Article 24, in column 3,-
- (a) for the words "One rupee", the words "Two rupees" shall be substituted;
 - (b) for the words "Two rupees", the words "Five rupees" shall be substituted;
- (25) in Article 25, in column 3,-
- (a) for the words "Two rupees", the words "Five rupees" shall be substituted;
 - (b) for the words "Three rupees", the words "Ten rupees" shall be substituted;

- (c) for the words "Six rupees", the words "Fifteen rupees" shall be substituted;
- (26) in Article 26, in column 3, for the words "One rupee twenty -five naye paise", the words "Ten rupees" shall be substituted;
- (27) in Article 27, in column 3, for the words "Sixty -five naye paise", the words "Two rupees" shall be substituted;
- (28) in Article 28, in column 3, for the words "Two rupees", the words "Ten rupees" shall be substituted;
- (29) in Article 29, in column 3, for the words " One rupee", the words "Five rupees" shall be substituted;
- (30) in Article 30 , in column 3, for the words "One rupee" the words "Five rupees" shall be substituted;
- (31) in Article 31, in column 3 , for the words "One rupee", the words "Five rupees" shall be substituted;
- (32) in Article 32, in column 3, for the words " Five rupees", the words "Ten rupees" shall be substituted;
- (33) in Article 33, -
 - (a) in column 1, the words and brackets "(of Ahmedabad)" shall be deleted;
 - (b) in column 3, -
 - (i) for the words " Ten rupees", the words "Fifty rupees" shall be substituted;
 - (ii) for the words "Fifty rupees", the words " One hundred rupees" shall be substituted;
 - (iii) for the words " One hundred rupees", the words "Five hundred rupees" shall be substituted;
- (34) in Article 34, in column 3 , -
 - (a) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;
 - (b) for the words "Ten rupees", the words " Fifty rupees" shall be substituted;

- (35) in Article 35, in column 3,
- (a) for the words "Two rupees fifty *naye paise*" occurring at two places, the words "Ten rupees" shall be substituted;
- (b) for the words "Five rupees", the words "Ten rupees" shall be substituted;
- (c) for the words "One rupee", the words "Ten rupees" shall be substituted;
- (36) in Article 36, in column 3, for the words "Five rupees", the words "Twenty rupees" shall be substituted;
- (37) in Article 37, in column 3, for the words "One rupee", the words "Twenty rupees" shall be substituted;
- (38) after Article 38, the following new Article shall be added, namely :-

1	2	3
"39. Application for adjournment presented to the court in any proceedings		Two rupees."

Guj. 12 of
1995.

5. The Bombay Court-fees (Gujarat Amendment) Act, 1995 is hereby Repeal.
repealed.

Government Central Press, Gandhinagar.

(C)



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 5th April, 2003).

AN ACT

further to amend the Gujarat Advocates Welfare Fund Act, 1991.

It is hereby enacted in the Fifty-fourth Year of the Republic of India
as follows :-

1. (1) This Act may be called the Gujarat Advocates Welfare Fund Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 3 of Guj. 14
of 1991.**

2. In the Gujarat Advocates Welfare Fund Act, 1991 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), -

(a) in clause (d), the words "or any other association or institution or any other person" shall be added at the end;

(b) after clause (i), the following clause shall be added, namely :-

"(j) any amount by way of award of cost directed to be deposited in the Fund by the Bar Council of Gujarat, Bar Council of India, High Court of Gujarat or any other Court, Tribunal or Authority.".

**Amendment of
section 6 of Guj. 14
of 1991.**

3. In the principal Act, in section 6, for the words, brackets and figure "removed under sub-section (2)", the words, brackets and figure "disqualified under sub-section (1)" shall be substituted.

**Amendment of
section 7 of Guj. 14
of 1991.**

4. In the principal Act, in section 7,-

(1) in sub-section (1), for the word "nominated", the words "nominated or for being a" shall be substituted;

(2) sub-section (2) shall be deleted.

**Amendment of
section 9 of Guj. 14
of 1991.**

5. In the principal Act, in section 9, for the word "removal", the word "disqualification" shall be substituted.

**Amendment of
section 13 of Guj.
14 of 1991.**

6. In the principal Act, in section 13, for sub-section (2), the following shall be substituted, namely :-

"(2) The accounts of the Fund shall be audited annually by the Auditors duly qualified to act as Auditor under sub-section (1) of section 226 of the Companies Act, 1956, ^{1 of 1956.} who shall be appointed by the Bar Council of Gujarat.".

**Amendment of
section 16 of Guj.
14 of 1991.**

7. In the principal Act, in section 16, in sub-section (1), for the words "may apply in the prescribed form", the words "shall required to be a member of the Fund and shall apply in such form, in such manner and on payment of such fee as may be prescribed" shall be substituted.

**Insertion of new
section 16A in Guj.
14 of 1991.**

8. In the principal Act, after section 16, the following new section shall be inserted, namely :-

Membership,
subscription and
cessation of
membership.

- "16A.** (1) Every member admitted to the Fund shall pay such subscription to the Fund as may be prescribed, at the end of block period of five years.
- (2) The block period of five years shall commence from such date as may be specified by the Bar Council;
- (3) Where any advocate fails to pay the subscription, as provided under sub-section (1), the Secretary of the Bar Council shall issue a notice for payment of subscription and after giving him a reasonable opportunity of being heard may pass such order regarding cessation of his membership or otherwise as he deems proper.”

9. In the principal Act, in section 18, after sub-section (6), the following shall be inserted, namely :-

Amendment of
section 18.of Guj.
14 of 1991.

- "(7)** The amounts becoming payable to the member under section 24 shall be paid in such manner as may be prescribed.”

10. In the principal Act, for section 19, the following section shall be substituted, namely :-

Substitution of
section 19 of Guj.
14 of 1991.

Vakalatnama to
bear stamps.

- "19.** (1) Every Advocate shall affix a stamp of value of –
- (a) five rupees on every *Vakalatnama* filed by him in a District Court or a court subordinate to the District Court;
- (b) ten rupees on every *Vakalatnama* filed by him in a Tribunal or other authority or High Court:

Provided that the Bar Council may prescribe the value of the stamps to be affixed under this sub-section:

Provided further that the Bar Council may prescribe different value of stamps to be affixed on every *Vakalatnama* to be filed in a District Court or a court subordinate to the District Court or a Tribunal or other authority or High Court.

- (2) The value of the stamp shall neither be the cost in a case nor be collected in any event from the client.

Amendment
of section 20
of Guj. 14 of
1991.

Deletion of
sections 21,
22 and 23 of
Guj. 14 of
1991.

Amendment
of section 24
of Guj. 14 of
1991.

- (3) Any contravention of the provisions of sub-section (1) or (2), by any Advocate, shall disentitle him either in whole or in part to the benefits of the Fund and the Administrative Committee shall report such contravention to the Bar Council for appropriate action.
- (4) Every stamp affixed on every *Vakalatnama* filed before a District Court or a court subordinate to the District Court or a Tribunal or other authority or High Court shall be cancelled in such manner as may be prescribed.”
- 11. In the principal Act, in section 20, in sub-section (1), for the words “of four rupees with the Bar Council Emblem and its value inscribed thereon”, the words “prescribed in section 19 with the Emblem of Bar Council” shall be substituted.
- 12. In the principal Act, sections 21, 22 and 23 shall be deleted.
- 13. In the principal Act, in section 24, after clause (b), the following shall be added, namely :—
 “(bb) to organise workshops, seminars, conferences and such other programmes for the benefit of the junior members of the Bar.”

Government Central Press, Gandhinagar.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2003 is hereby published for general information.

V. M. KOTHARE,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2003.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette", on the 5th April, 2003).

AN ACT

to provide for effective management of disaster, for mitigation of effects of disaster, for administering, facilitating, co-ordinating and monitoring emergency relief during and after occurrence of disasters and for implementing, monitoring and co-ordinating measures for reconstruction and rehabilitation in the aftermath of disasters, in the State of Gujarat and for these purposes to establish the Gujarat State Disaster Management Authority and to specify other agencies and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I**PRELIMINARY**

**Short title, extent
and
commencement.**

1. (1) This Act may be called the Gujarat State Disaster Management Act, 2003.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) "affected area" means the area declared as such under clause (a) of sub-section (2) of section 32;

(b) "appropriate authority" shall have the same meaning as in clause (iii) President's Act of section 2 of the Gujarat Town Planning and Urban Development No. 27 of 1976. Act, 1976;

(c) "Authority" means the Gujarat State Disaster Management Authority established under sub-section (1) of section 6;

(d) "capacity-building" means building of capacity to cope up with any disaster and includes—

(i) identification of existing resources relevant to any disaster, and resources to be acquired for the purpose of this Act;

(ii) acquiring and creating resources, organisation and training of groups in local community; and

(iii) co-ordination of such training;

(e) "Chairperson" means the Chairperson of the Authority;

(f) "Chief Executive Officer" means the Chief Executive Officer of the Authority;

(g) "Commissioner" means the State Relief Commissioner appointed under section 11;

(h) "disaster" means an actual or imminent event, whether natural or otherwise occurring in any part of the State which causes, or threatens to cause all or any of the following:

- (i) widespread loss or damage to property, both immovable and movable; or
- (ii) widespread loss of human life or injury or illness to human beings; or
- (iii) damage or degradation of environment;

and any of the effects specified in sub-clauses (i) to (iii) is such as to be beyond the capacity of the affected community to cope up with using its own resources and which disrupts the normal functioning of the community;

- (i) "disaster management" means a continuous and integrated process of planning and implementation of measures with a view to:
 - (i) mitigating or reducing the risk of disasters;
 - (ii) mitigating the severity or consequence of disasters;
 - (iii) capacity-building;
 - (iv) emergency preparedness;
 - (v) assessing the effects of disasters;
 - (vi) providing emergency relief and rescue; and
 - (vii) post-disaster rehabilitation and reconstruction;
- (j) "emergency preparedness" means the state of readiness which enables stakeholders to mobilize, organize and provide relief to deal with an impending or actual disaster or the effects of a disaster;
- (k) "Local Authority" means a municipal corporation, nagar panchayat, municipal council, district panchayat, taluka panchayat, gram panchayat, notified area committee or cantonment board constituted under relevant local authority law;
- (l) "member" means a member of the Authority;
- (m) "mitigation" means measures aimed at reducing the impact or effects of a disaster;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "prevention" means measures the object of which is to avoid the occurrence of a disaster;
- (p) "reconstruction" means repair and construction of a property undertaken after a disaster;
- (q) "regulations" means the regulations made under this Act;
- (r) "rehabilitation" means any activity the object of which is to restore normalcy in conditions caused by a disaster;
- (s) "relevant local authority law" means—

(i) in relation to a City, the Bombay Municipal Corporation Act, 1949;

Bom. LIX
of 1949.

(ii) in relation to municipal borough, transitional area, smaller urban area and notified area, the Gujarat Municipalities Act, 1963;

Guj. 34 of
1964.

(iii) in relation to a village, taluka and district, the Gujarat Panchayats Act, 1993;

Guj. 18
of 1993.

(iv) in relation to a cantonment, the Cantonments Act, 1924;

2 of 1924.

(t) "relief" means measures taken during or immediately after a declaration of disaster to diminish, or alleviate any suffering, pain, injury or distress or hardship caused on account of the disaster;

(u) "stakeholder" includes—

(i) any State Government;

(ii) any statutory functionary;

(iii) voluntary agencies including foreign voluntary agencies and

(iv) any other person identified by the Authority;

which participate in any manner in activities related to disaster management.

CHAPTER II

AUTHORITIES FOR DISASTER MANAGEMENT

Authorities for
disaster
management.

3. For the purposes of carrying out the objects of this Act ,the following shall be the authorities, namely:—

- (a) The State Government,
- (b) The Gujarat State Disaster Management Authority,
- (c) Heads of Government Departments,
- (d) Commissioner,
- (e) Collector of a district,
- (f) Local authorities.

CHAPTER III

FUNCTIONS OF STATE GOVERNMENT

4. (1) The State Government shall ensure that all the authorities specified in section 3 and stakeholders shall take all such measures, as are necessary or expedient for the purpose of managing a disaster and mitigating its effects.

Functions of
State
Government.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), such measures may include the following measures, namely:—

- (a) ensuring that appropriate policies and guidelines are developed;
- (b) establishing a group called the Crisis Management Group and such other entities as may be necessary and such group or entity shall exercise such powers and perform such functions as may be specified by the regulations;
- (c) ensuring that the State administration and local authorities shall take into consideration the guidelines laid down by the Authority while planning its activities;
- (d) ensuring that a comprehensive communication and technology network is established and maintained;
- (e) facilitating procurement related to disaster management of materials, equipment and services in connection with the disaster management and ensuring their quality;
- (f) ensuring that disaster management plans are prepared and training for managing disaster is given;
- (g) promoting adequate risk transfer, risk sharing and cost-sharing mechanisms;
- (h) ensuring that adequate funds are available for disaster management;
- (i) ensuring appropriate recovery measures; and
- (j) taking such steps and issuing such directions as may be necessary to prevent escalation of the disaster or to alleviate, contain or minimise the effects of disaster.

(3) Subject to the provisions of this Act, the State Government, may in exercise of its powers and performance of its functions under this Act, issue a direction in writing to a person or authority for the purpose of avoiding an imminent damage arising out of a disaster or mitigation of its effects and such person or authority shall comply with such direction.

(4) Subject to the provisions of this Act, the State Government may in exercise of its powers and performance of its functions under this Act, suspend operation of any executive order if such executive order prevents, hinders or delays any necessary action in coping with disaster.

Functions of
Departments of
Government.

CHAPTER IV

FUNCTIONS OF DEPARTMENTS OF STATE GOVERNMENT

5. (1) The Government departments of the State shall—
 - (a) provide assistance to the Authority, Commissioner, the Collector and the local authority in setting up communication centers, drawing up contingency plans, capacity-building, data collection and identifying and training personnel;
 - (b) carry out relief operations under the supervision of the Commissioner and the Collector;
 - (c) assess the damage and carry out reconstruction and rehabilitation activities in accordance with the guidelines framed by the Authority; and
 - (d) take such steps and provide such assistance to the Authority, Commissioner and the Collector as may be necessary for disaster management.
- (2) Every department of the Government under the supervision of the Authority shall—
 - (a) prepare a disaster management plan setting out—
 - (i) the manner in which the concept and principles of disaster management shall be applied;
 - (ii) role and responsibilities of the department in respect of the State disaster management;
 - (iii) role and responsibilities of the department in respect of emergency relief and post disaster recovery and rehabilitation;
 - (iv) capacity to fulfill roles and responsibilities of the department;
 - (v) particulars of strategies pertaining to disaster management; and
 - (vi) strategies and procedures in the event of a disaster, including measures to finance the strategies;
 - (b) co-ordinate preparation and the implementation of plan with other departments, local authorities, communities and stakeholders;
 - (c) regularly review and update the plan; and
 - (d) submit to the Authority disaster management plan and any amendments thereto.

CHAPTER V

ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

6. (1) The State Government shall, by notification in the *Official Gazette*, establish an Authority by the name of the Gujarat State Disaster Management Authority with effect from such date as may be specified in the notification.
- (2) The Authority shall be a body corporate, with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.
- (3) The headquarters of the Authority shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.
- (4) The Authority may, with the approval of the State Government, establish offices at such other places within or outside the State as the Authority thinks fit.

7. (1) The Authority shall consist of Chairperson and not more than fourteen other members as follows, namely:—

- (a) the Chief Minister of the State, *ex-officio*, who shall be the Chairperson;
- (b) two Ministers nominated by the Chief Minister by virtue of their office from amongst the Council of Ministers of the State;

Establishment
and
incorporation of
Authority.

Constitution
of Authority.

- (c) the Chief Secretary of the State, *ex-officio*;
- (d) the Secretary to Government of Gujarat, Revenue Department, *ex-officio*;
- (e) the Chief Executive Officer of the Authority, *ex-officio*;
- (f) the State Relief Commissioner, *ex-officio*;
- (g) the Director General of Police of the State, *ex-officio*;
- (h) such other officers of the State Government as may be appointed by the State Government by virtue of their office:

Provided that when a proclamation made under article 356 of the Constitution is in force in the State, the Central Government may appoint three persons, in place of the Chief Minister and other two Ministers, to be the Chairperson and members of the Authority and the persons so appointed shall vacate their office upon the revocation or cesser of operation of such proclamation.

- (2) The members of the Authority shall hold office during the pleasure of the State Government and shall receive such remuneration as may be prescribed.

**Meetings of
Authority.**

- (1) The Authority shall meet at such times and places and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business at its meetings (including quorum at such meetings) as may be provided by the regulations.
- (2) Every meeting shall be presided over by the Chairperson, if he is present at the time appointed for holding the same and, if the Chairperson is absent, by the senior Minister or in his absence, by the other Minister and, in absence of both the Ministers, by such

one of the members present as may be chosen by the meeting to be the Chairperson for the occasion.

- (3) All the questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and, in the event of an equality of votes, the Chairperson shall have and exercise a second or casting vote.
- (4) (a) Every member, who is, in any way whether directly or indirectly, concerned or interested in a contract or arrangement or proposed contract or arrangement, entered into or proposed to be entered into, by or on behalf of the Authority, shall disclose the nature of his concern or interest before or at a meeting of the Authority.
(b) No member shall take any part in discussion, or vote on, any contract or arrangement entered into or to be entered into by or on behalf of the Authority if he is in any way, whether directly or indirectly, concerned or interested in the contract or arrangement:

Provided that a member shall not be deemed to be concerned or interested as aforesaid by reason of his being a shareholder holding directly and indirectly in the aggregate less than two per cent. of the paid-up equity share capital of a company concerned or interested in any such contract or arrangement.

9. No act or proceeding of the Authority shall be invalid merely by reason of—

- (a) any vacancy therein or any defect in the constitution thereof, or
- (b) any irregularity in its procedure not affecting the merit of the case.

Proceedings
presumed to be
good and valid.

CHAPTER VI
FUNCTIONS OF AUTHORITY

12. (1) Subject to the provisions of this Act, the Authority shall be primarily responsible for promoting an integrated and coordinated system of disaster management including prevention or mitigation of disaster by the State, local authorities, stake holders and communities.

Certain functions of Authority.

(2) The Authority shall-

(a) act as the central planning, coordinating and monitoring body for disaster management and post-disaster reconstruction, rehabilitation, evaluation, and assessment;

(b) assist the State Government in formulation of policy relating to emergency relief notwithstanding that the implementation of emergency relief shall be the responsibility of the Revenue Department and other departments of the Government;

(c) inform the State Government and departments of Government on progress and problems in disaster management;

(d) promote general education and awareness on disaster management, emergency planning and response;

(e) and matters incidental thereto.

(3) The State Government, the Collector, concerned officers of the State Government and the local authorities in the State shall give such assistance and support to the Authority in performing its functions as may be required by the Authority.

13. (1) The Authority shall take reasonable steps to collect or cause to be collected data on all aspects of disasters and disaster management and analyze such data; and cause and conduct research and study relating to the potential effects of events that may result in disasters.

Data collection.

(2) The Authority may, by notice in writing, require any person to provide such information as may be useful for the purpose of sub-section (1) to the Authority within such period as may be specified in the notice.

(3) The Authority shall ensure that any information furnished by a person under sub-section (2) shall not be divulged except for the purpose of performing its functions under this Act.

Repository of information.

14. The Authority shall act as a repository of information concerning disasters and disaster management, and shall—

- (a) establish an institute;
- (b) ensure the establishment of communication links and setting up of emergency communication and early warning systems in the State;
- (c) maintain databases of information required for the disaster management operations;
- (d) ensure establishment of communication links with disaster management agencies in India and other countries, including institutions performing functions similar to those of the Authority;
- (e) to exchange information, and to have access to international expertise on disaster management.

Disaster management plans.

15. (1) The Authority shall develop or cause to be developed guidelines for the preparation of disaster management plans and strategies and keep them up-date and shall assist such departments of Government, local authorities and person, as may be specified by the Authority in preparation of plans and strategies and coordinate them.

(2) The plan preparing authority while preparing the plan under sub-section (1) shall make suitable provisions in the plan after considering the following, namely:—

(2) The Authority may, by notice in writing, require any person to provide such information as may be useful for the purpose of sub-section (1) to the Authority within such period as may be specified in the notice.

(3) The Authority shall ensure that any information furnished by a person under sub-section (2) shall not be divulged except for the purpose of performing its functions under this Act.

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Disaster management plans.

15. (1) The Authority shall develop or cause to be developed guidelines for the preparation of disaster management plans and strategies and keep them up-date and shall assist such departments of Government, local authorities and person, as may be specified by the Authority, in preparation of plans and strategies and coordinate them.

(2) The plan preparing authority while preparing the plan under sub-section (1) shall make suitable provisions in the plan after considering the following, namely:—

- (a) the types of disaster that may occur and their possible effects;
- (b) the communities and property at risk;
- (c) provision for appropriate prevention and mitigation strategies;
- (d) inability to deal with disasters and promote capacity-building;
- (e) the integration of strategies for prevention of disaster and mitigation of its effects with development plans, programmes and such other activities in the State;
- (f) provision for assessment of the nature and magnitude of the effects of a disaster;
- (g) contingency plans including plans for relief, rehabilitation and reconstruction in the event of a disaster, providing for,-
 - (i) allocation of responsibilities to the various stakeholders and co-ordination in carrying out their responsibilities;
 - (ii) procurement of essential goods and providing essential services;
 - (iii) establishment of strategic communication links;
 - (iv) dissemination of information; and
 - (v) other matters as may be provided for in the regulations;
- (h) any other matter required by the Authority.

(3) The Authority shall prepare, or cause to be prepared, and maintain a master plan for the State.

16. (1) The Authority shall promote or cause to be promoted awareness and preparedness and advise and train the community, and stakeholders with a view to increasing capacity of the community and stakeholders to deal with potential disasters by -

- (a) publishing guidelines and recommendations in this behalf;
- (b) facilitating access to its electronic database;
- (c) promoting disaster management capacity building and training programs amongst communities and other stakeholders;

Awareness
and
preparedness.

- (d) assisting in the development of methodologies for reduction of vulnerability of disasters;
- (e) coordinating the integration of methodologies for awareness and preparedness with development plans, programmes and such other activities; and
- (f) acting in any other manner as it deems fit in this behalf.

(2) The Authority shall formulate such policy relating to mechanisms for risk transfer including insurance for disaster preparedness as it deems necessary and implement the same or cause to be implemented.

**Recommendations
to be made to
appropriate
authority.**

17. (1) The Authority may recommend the appropriate authority to take into consideration the matters to be specified by the authority for mitigation of a disaster while preparing new plans.

(2) The Authority may inspect existing development plans made by the appropriate authority and may recommend the appropriate authority to vary the plan after considering matters for mitigation of disaster specified by the authority.

(3) The Authority may inspect the quality of construction of any building or structure in any local area in the State and where the Authority is of the opinion that the quality of construction of such building or structure is such that it may result in loss of life or damage to any property if a disaster occurs, it may recommend the local authority to take such action as may be necessary under the relevant local authority law to avoid such a consequence.

Relief.

18. (1) The Authority shall assist the State Government in formulating policies relating to relief activities.

(2) Where the Authority is of the opinion that the relief provided by the Commissioner or the Collector is not adequate, the Authority shall recommend

the Government to modify the norms followed by the Commissioner or the Collector and, where necessary, recommend other relief measures.

19. On the expiry of a disaster declaration, the Authority shall, where necessary, act as an agency for facilitating and coordinating rehabilitation and reconstruction activities by departments of the Government.

Rehabilitation
and
reconstruction

CHAPTER VII

POWERS AND FUNCTIONS OF CHIEF EXECUTIVE OFFICER

20. (1) The Chief Executive Officer shall exercise and perform the following powers and functions, namely:--

Powers and
functions of
the Chief
Executive
Officer.

- (a) co-ordinate and monitor activities relating to prevention and mitigation of disasters, including capacity building;
- (b) co-ordinate and monitor rehabilitation and reconstruction activities;
- (c) monitor the progress of the preparation and updating of disaster management plans and co-ordinate the implementation of such plans;
- (d) prepare and submit periodically a report to the Authority on the activities undertaken by the Authority;
- (e) delegate his powers and functions to officers and employees of the Authority;
- (f) to exercise such powers and perform such functions as may be delegated by the Authority;
- (g) to exercise such other powers and perform such other functions as may be specified by the regulations.

CHAPTER VIII
POWERS AND FUNCTIONS OF STATE RELIEF COMMISSIONER

**Emergency
Relief.**

21. (1) During the period an area is an affected area, the Commissioner may issue directions to the Collector and the local authority having jurisdiction over the affected area to provide emergency relief in accordance with disaster management plans.

(2) For the purpose of—

- (a) assisting and protecting the community;
- (b) providing relief to the community;
- (c) preventing or combating disruption; or
- (d) dealing with the destructive and other effects of the disaster, the Commissioner may—
 - (i) make arrangements for release and use of available resources;
 - (ii) control and restrict vehicular traffic to, and from and within the affected area;
 - (iii) control and restrict the entry of any person into, movement within and departure from an affected area;
 - (iv) remove debris;
 - (v) conduct search and rescue operations;
 - (vi) make arrangements for the disposal of the unclaimed dead body;
 - (vii) provide alternative shelter;
 - (viii) provide food, medicines and other essentials;
 - (ix) require experts and consultants in the fields relevant to the disaster to provide relief under his direction and supervision;

- (x) procure exclusive or preferential use of amenities as and when required;
 - (xi) to take possession and make use of any property, vehicles, equipment, buildings and means of communication on such terms and conditions as may be prescribed;
 - (xii) construct temporary bridges or other necessary structures;
 - (xiii) demolish unsafe structures which may endanger the public;
 - (xiv)) ensure that non-governmental organisations carry out their activities in an equitable manner;
 - (xv) disseminate information to the public to deal with the disaster;
 - (xvi) evacuate any population from any affected area for the purpose of preservation of life and for such evacuation use such force as may be necessary; and
 - (xvii) authorise any person, to make any entry into any place, to open or cause to be opened, any door, gate or other barrier, if he considers such an action is necessary for preservation of life and property, if the owner or occupier is absent, or being present, refuses to open such door, gate or barrier.
- (3) The Commissioner may issue such directions to any person or Government agency and take such other steps as may be necessary to curtail the escalation of the disaster or to alleviate, contain or minimise the effects of disaster.
- (4) The Commissioner shall keep the Authority informed of the actions taken by him generally for providing relief and particularly under sub-sections (1) to (3).

Other functions of Commissioner.

22. (1) The Commissioner shall-

- (a) provide inputs to the Authority relating to various aspects of disaster management, such as early warnings and status of preparedness;
- (b) develop an appropriate relief implementation strategy for the State in consultation with the Authority, taking into account the unique circumstances of each district and deficiency in institutional capacity and resources of the State;
- (c) prepare, review and update a State level emergency plans and guidelines and ensure that the district level plans are prepared, revised and updated;
- (d) reassess from time to time contingency plans related to disaster management;
- (e) ensure that disaster management drills are carried out periodically; and
- (f) ensure that communications systems are in order, and contingency plans provide for maximum involvement of local agencies;
- (g) exercise such powers and perform such functions as may be delegated by the Authority;
- (h) exercise such other powers and perform such other functions as may be specified by the regulations.

CHAPTER IX

POWERS AND FUNCTIONS OF COLLECTOR

Powers and functions of Collector.

23. (1) During the period an area is an affected area the Collector may issue directions to the officers of the departments of the Government and the local authority in the affected area, to provide emergency relief in accordance with the disaster management plans.

(2) The Collector may-

- (i) make arrangements for release and use of available resources;

- (ii) control and restrict traffic to, from and within the area affected by a disaster;
- (iii) control and restrict the entry into, movement within and departure from any disaster area or part of it;
- (iv) remove debris;
- (v) conduct search and rescue operations;
- (vi) make arrangements for the disposal of the unclaimed dead, by appropriate means;
- (vii) provide alternative shelter;
- (viii) provide food, medicines and other essentials;
- (ix) require experts and consultants in the matters relevant to the disaster to provide relief under his direction and supervision;
- (x) to take possession and make use of any property, vehicles, equipment, buildings and means of communication on such terms and conditions as may be prescribed.
- (xi) procure exclusive or preferential use of amenities as and when required;
- (xii) construct temporary bridges or other structures;
- (xiii) demolish unsafe structures which may endanger the public;
- (xiv) co-ordinate with non-governmental organizations and ensure that such entities carry out their activities in an equitable manner;

- (xv) disseminate information to the public to deal with the disaster;
- (xvi) direct and compel evacuation, of all or part of the population from any affected area for the purpose of preservation of life and for such evacuation, and for such evacuation use such force as may be necessary;
- (xvii) authorise any person, to make any entry into any place, to open or cause to be opened, any door, gate or other barrier, if he considers such an action is necessary for preservation of life and property, if the owner or occupier is absent, or being present, refuses to open such door, gate or barrier.

(3) The Collector may exercise the powers contained in sub-section (2) to the extent only that it is necessary for the purpose of-

- (a) assisting and protecting the community;
- (b) providing relief to the community;
- (c) preventing or combating disruption; or
- (d) dealing with the destructive and other effects of the disaster.

(4) The Collector may issue such directions to any person or Government agency and take such other steps, as may be necessary to curtail the escalation of the disaster or to alleviate, contain or minimise the effects of disaster.

**Other powers
and functions.**

24. (1) Collector shall,-

- (a) ensure that actions for prevention of a disaster or mitigation of its effects or preparedness to cope up with such effects are carried out in accordance with guidelines as may be prescribed;

- (b) provide inputs to Authority relating to various aspects of disaster management, such as early warnings and status of preparedness;
- (c) ensure that officials in the district acquire the knowledge to deal with disaster management ;
- (d) ensure that district disaster management plans are prepared, revised and updated;
- (e) facilitate and, co-ordinate with, local Government bodies to ensure that pre-disaster and disaster management activities in the district are carried out ;
- (f) facilitate community training, awareness programmes and the installation of emergency facilities with the support of local administration, non-Government organisations, and the private sector;
- (g) establish inter-department co-ordination on matters related to disaster management;
- (h) review emergency plans, contingency plans and guidelines;
- (i) ensure that local authorities in the district are involved in developing their own mitigation strategies;
- (j) ensure linkage between disaster management activities and planning;
- (k) ensure that communications systems are in order;
- (l) ensure that fire fighting equipment and other equipments related to disaster management are so maintained as to be ready for use;
- (m) co-ordinate the activities of reconstruction and rehabilitation in the district ;
- (n) ensure that disaster management drills are carried out periodically;
- (o) assist the Authority in monitoring the progress and outcome of efforts for reconstruction and rehabilitation ;
- (p) exercise such powers and perform such functions as may be delegated by the State Government, the Authority and the Commissioner;
- (q) exercise such other powers and perform such other functions as may be prescribed.

CHAPTER X

FUNCTIONS OF LOCAL AUTHORITIES

Functions of local authority.

-25. (1) For the purpose of disaster management, local authority shall, subject to such directions as the Authority may give and under the supervision of the Collector-

- (a) assist the Authority, the Commissioner and the Collector;
- (b) ensure that the staff of the local authority is trained;
- (c) ensure that all resources related to disaster management are so maintained as to be ready for use ;
- (d) ensure that all buildings and other structures in the local area comply with the specifications laid down in this behalf by the departments of Government and the Authority;
- (e) carry out relief operations in the affected area subject to directions of the Commissioner ;
- (f) carry out reconstruction and rehabilitation activities in accordance with the guidelines framed by the Authority;
- (g) prepare a disaster management plan setting out the following, namely:-
 - (i) the manner in which, the concept and principles of disaster management are to be applied in local area;
 - (ii) role and responsibilities of the local authority in the terms of the disaster management plan of the State;
 - (iii) capacity of the local authority to fulfill its role and responsibilities;
 - (iv) particulars of disaster management strategies; and
 - (v) contingency strategies and emergency procedures in the event of a disaster, including measures to finance the strategies;
- (h) co-ordinate the preparation and the implementation of plan with those of the organisations of the State and stakeholders;

- (i) regularly review and update the plan;
- (j) conduct disaster management drills periodically; and
- (k) provide such assistance to the Authority, the Commissioner and the Collector and take such other steps as may be necessary for disaster management.

(2) Each local authority shall submit to the Authority and the Commissioner a copy of its disaster management plan proposed under sub-section (1) and any amendment thereto.

26. (1) Each department of the Government in a district shall prepare a disaster management plan for the district and the Collector shall ensure that such plans are integrated into the disaster management plan for the whole of the district.

(2) The department of Government while preparing a plan under sub-section (1)-

- (a) anticipate the types of disaster that may occur in the district and their possible effects;
- (b) identify the communities and property at risk;
- (c) provide for appropriate prevention and mitigation strategies;
- (d) identify the inability to deal with possible disasters and promote capacity building;
- (e) facilitate maximum emergency preparedness; and
- (f) keep contingency plans and prescribed emergency procedures in the event of a disaster, providing for,-
 - (i) allocation of responsibilities to the various stakeholders and co-ordination in the carrying out of their responsibilities;
 - (ii) prompt disaster response and relief;
 - (iii) procurement of essential goods and the providing of essential services;
 - (iv) establishment of strategic communication links;
 - (v) the dissemination of information; and

Disaster
management
plans for
districts.

(vi) such other matters as may be provided for in the regulations and any other matters required by the Collector.

(3) A department of the Government shall subject to the supervision of the Collector—

(a) prepare a disaster management plan setting out the following, namely:—

(i) the manner in which, the concept and principles of disaster management are to be applied in the district;

(ii) role and responsibilities of the department of Government in terms of the disaster management plan of the State;

(iii) role and responsibilities of the department of Government regarding emergency relief and post disaster recovery and rehabilitation;

(iv) capacity of the department of Government to fulfill its roles and responsibilities;

(v) particulars of disaster management strategies; and

(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance the strategies;

(b) co-ordinate the preparation the implementation of its plan with those of other organisations of the State, communities and other stakeholders;

(c) regularly review and update the plan; and

(d) submit a copy of its disaster management plan, and of any amendment thereto to the Collector.

(4) The Collector shall submit a copy of the district disaster management plan, and of any amendment thereto to the Authority and the Commissioner.

(5) Each department of the Government shall be responsible for effective implementation of the plans drawn up in this behalf.

CHAPTER XI**DUTIES OF POLICE FORCE, GRAM RAKSHAK DAL, HOME GUARDS, CIVIL DEFENCE AND FIRE SERVICES**

27. (1) Where an area is declared under clause (a) of sub-section (2) of section 32 as an affected area, the members of—

- (a) police force,
- (b) *gram rakshak dal*,
- (c) home guards,
- (d) civil defence, and
- (e) fire services

Duties of Police Force, Gram Rakshak dal, Home Guards, etc.

shall perform the following functions under the supervision of the Commissioner and the Collector, namely:—

- (i) giving of warning;
- (ii) carrying out search and rescue operations; and
- (iii) carrying relief and rehabilitation operations.

(2) If a disaster occurs in any area, the senior most officer from amongst the members of organisations specified in clauses (a) to (e) and of a local authority and department of the Government in such area shall report to the Collector and carry out any instructions which the Collector may issue for providing emergency relief.

(3) The department of the Government in the State shall generally carry out the functions specified in its disaster management plan as directed by the Collector and in particular—

- (a) ensure that the communication system is in order, which shall be made available, free of charge, for being used for transmission and receipt of messages in connection with a disaster;

- (b) identify the personnel and provide adequate training for the purposes of disaster management so that the services of such personnel are readily available;
- (c) conduct disaster management drills periodically and ;
- (d) provide such assistance to the Authority, the Commissioner and the Collector and take such other steps as may be necessary for disaster management.

CHAPTER XII

DUTIES OF COMMUNITIES, PRIVATE SECTOR ENTERPRISES AND OTHER AGENCIES OR PERSONS

Duties of
community groups
and youth
organizations.

28. Each community group and each youth organization such as the National Cadet Corps, National Service Scheme, Nehru Youth Kendra may—

- (a) assist the State Government, the Authority, the Commissioner and the Collector in all disaster management activities;
- (b) participate in capacity building, vulnerability reduction programmes and training activities;
- (c) assist in relief operations under the supervision of the Commissioner and the Collector;
- (d) assist in conducting detailed damage assessment and in carrying out reconstruction and rehabilitation activities in accordance with the guidelines framed by the Authority;
- (e) provide such assistance to the Authority, the Commissioner and the Collector and take such other steps as may be necessary for disaster management.

Duties of
factories,
private and
public sector
entities.

63 of
1948.

29. (1) Each factory as defined under the Factories Act 1948, shall--
- (a) assist the State Government, the Commissioner and the Collector in all disaster management activities;
 - (b) ensure that their staff are adequately trained;
 - (c) ensure that all necessary resources are in a ready-to-use state;
 - (d) ensure that its buildings and other structures are in compliance with all specifications stipulated by the departments of the Government and the Authority;
 - (e) carry out relief operations under the supervision of the Commissioner and the Collector;
 - (f) assist in conducting damage assessment and in carrying out reconstruction and rehabilitation activities in accordance with the guidelines framed by the Authority;
 - (g) prepare a disaster management plan in conformity with the other disaster management plans of local authorities, departments of Government having regard to the guidelines laid down in this behalf by the Authority;
 - (h) take all other steps and provide such assistance to the Authority, the Commissioner and the Collector and take such other steps as may be necessary for disaster management.
- (2) Each factory shall be responsible for effective implementation of the plan drawn up by it in this behalf.
- (3) Each private and public sector entity shall provide assistance to the Authority, the Commissioner, the Collector and take such other steps as may be necessary for disaster management.

30. All voluntary agencies, including non-Governmental organisations, which desire to participate in disaster management activities may,--

Duties of
voluntary
agencies.

- (a) participate in capacity building, vulnerability reduction programmes and training activities;
- (b) assist in relief operations under the supervision of the Government, the Commissioner and the Collector;
- (c) assist in assessing damage and in carrying out reconstruction and rehabilitation activities in accordance with the guidelines framed by the Authority;
- (d) provide such assistance to the Authority, the Commissioner and the Collector as may be necessary for effective disaster management.

Duties of citizens.

31. It shall be the duty of every citizen to assist the Commissioner, the Collector or such other person entrusted with or engaged in disaster management whenever his aid is demanded generally for the purpose of disaster management and particularly for the following purposes, namely :-

- (a) prevention,
- (b) response,
- (c) warning,
- (d) emergency operation,
- (e) evacuation, and
- (f) recovery.

CHAPTER XIII**DECLARATION OF AREA AS DISASTER PRONE AREA OR
DISASTER AFFECTED AREA****Declaration of an area as disaster prone area or disaster affected area.**

32. (1) Where there is threat of an impending disaster or where a disaster has occurred—
- (a) in an area spread over more than one district, the Commissioner, and
 - (b) in an area restricted to a district, the Collector may immediately make a report to that effect to the State Government.

(2) (a) If the State Government, on the report of the Commissioner or of the Collector under sub-section (1) or otherwise, is of the opinion that there is a threat of an impending disaster or that a disaster has occurred in an area of the State and that it is expedient, for the purposes of preventing such disaster or of coping with its effects, it may, by notification published in the *Official Gazette*, and in any one or more newspapers having widest circulation in the area, declare such area to be disaster prone area or disaster affected area (hereinafter in this section referred to as "the affected area").

(b) Where the State Government decides not to make declaration under clause (a), it shall send a communication accordingly to the Commissioner or, as the case may be, the Collector.

(3) A notification issued under section (2) in respect of an area shall specify the period not exceeding fifteen days during which the area shall, for the purposes of this Act, be the affected area:

Provided that the State Government may extend such period from time to time by any period not exceeding fifteen days at any one time, if the State Government, having regard to a report made in that behalf by the Commissioner or, as the case may be, the Collector or otherwise, is of the opinion that it is expedient to do so.

(4) During the period an area is an affected area,—

(a) the Authority shall perform or cause to be performed in such area functions related to—

(i) prevention of disaster, or

(ii) (a) mitigation of effects of disaster,

(b) facilitating, co-ordinating and monitoring emergency relief, and

- (c) monitoring and co-ordinating reconstruction and rehabilitation and, such other functions as are prescribed by or under this Act or as are supplemental, incidental or consequential to the aforesaid functions,
- (b) where the affected area is spread over more than one district, the Commissioner and where the affected area is restricted to a district, the Collector shall perform such of the functions related to disaster management as are imposed on him by or under this Act.
- (5)(a) Where the Commissioner or the Collector makes a report under sub-section (1), he shall commence performing the necessary functions imposed on him by or under this Act from the time he makes a report, and
- (b) he shall cease to perform the functions—
- (i) where an area is declared under clause (a) of sub-section (2) as the affected area for the period specified under sub-section (3) on the expiry of such period, or
 - (ii) Where such period is extended from time to time under the proviso in the said sub-section (3) on the expiry of the period last extended, or
 - (iii) where an area is not so declared, on the receipt of a communication to that effect from the State Government under clause (b) of sub-section (2).
- (6) The Authority, the Commissioner, the Collector and all other agencies, shall cease to perform their functions in the affected area, on the expiry of the period referred to in sub-clause (i) or (ii) of clause (b) of sub-section (5).

CHAPTER XIV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

33. (1) The Authority shall have its own fund called the Disaster Management Fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.
- (2) The Authority may accept grants, subventions, donations and gifts from the Central or State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.
- (3) The moneys from the fund may be applied in payment of—
- (i) expenses incurred by the Authority in performing its functions under this Act,
 - (ii) remuneration to members,
 - (iii) salaries and allowances to officers and employees of the Authority,
 - (iv) expenses for such other purposes of the Act as may be prescribed.
- (4) (a) All moneys belonging to the fund of the Authority shall be deposited in such bank as the State Government may, by general or special order direct.
- (b) Where the amount in the fund is not required to be applied immediately or at an early date for the purposes of this Act, it may be invested in any of the securities specified

Fund of Authority.

2 of 1882.

in clause (a), (b), (bb), (c) or (d) of section 20 of the Indian Trusts Act, 1882,

(c) any interest earned on such deposits and investments shall be credited to the fund.

Borrowing of money.

34. The Authority may, with the previous approval of the State Government, borrow money in the open market or otherwise for the purpose of carrying out its functions under this Act.

Budget.

35. (1) (a) The Authority shall, by such date in each year as may be prescribed, submit to the State Government for approval a budget in the prescribed form for the next financial year, showing the estimated receipts and expenditure, and the sums which would be required from the State Government during that financial year.

(b) If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.

(2) No sum shall be expended by or on behalf of the Authority unless the expenditure is covered by provision in the budget approved by the State Government.

Accounts and audit.

36. (1) The accounts of the Authority shall be prepared and maintained in such form and manner as may be prescribed.

- (2) The Authority shall cause to be prepared for each financial year an annual statement of accounts in such form as may be prescribed.
- 1 of 1956.
- (3) The accounts of the Authority shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.
- (4) The said auditor shall be appointed by the Authority.
- (5) Every auditor appointed to audit the accounts of the Authority under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Authority and to require such information from the Authority as he may think necessary for performance of his duty as an auditor.
- (6) The auditor shall send a copy of his report together with an audited copy of accounts to the Authority which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.
- (7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (6), cause the same to be laid before the State Legislature.

37. (1) The Authority shall, once in every year, prepare in such form and at such time of the year as may be prescribed,-

Annual report.

- (a) an annual report giving a full, true and fair account of its activities during the previous year, and
- (b) programme of work likely to be undertaken by the authority in the next year,

and a copy of such report shall be forwarded to the State Government.

(2) The State Government shall, as soon as may be after the receipt of the annual report under sub-section (1), cause the same to be laid before the State Legislature.

CHAPTER XV

OFFENCES AND PENALTIES

Offences and penalties.

38. (1) Whoever—

- (a) without reasonable cause prevents or obstructs any officer of the State Government or of the local authority or of the Authority or the Commissioner or the Collector from carrying out functions under this Act; or
- (b) without reasonable cause refuses to comply with the direction given by an officer of the State Government or the Authority or the Commissioner or the Collector while carrying out his functions under this Act; or
- (c) falsely predicts the occurrence of a disaster without any scientific basis and thereby creates panic in the community; or
- (d) makes a false claim for assistance for reconstruction or repair from any officer of the State Government or Authority or the Commissioner or the Collector,

shall on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or both.

Cognizance of offences.

39. (1) No Magistrate shall take cognizance of an offence under section 38 except on a complaint in writing made by an officer of the Authority generally or specially authorised in this behalf or the Commissioner or the Collector.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1973 it shall not be necessary in respect of the offence

referred to in sub-section (1) to examine the authorised officer of the Authority the Commissioner or the Collector when the complaint is presented in writing.

40. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence is committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section –

1 of
1956.

(a) “company” means a body corporate and includes a company as defined under the Companies Act, 1956, a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

CHAPTER XVI

MISCELLANEOUS

Power of entry. 41. (1) The Chief Executive Officer, the Commissioner or the Collector, generally or specially authorised by the State Government in this behalf, may, at all reasonable times, enter upon any land and there do such things as may be reasonably necessary for the purpose of lawfully performing functions imposed upon them by or under this Act.

(2) Any officer or employee of the Authority, generally or specially authorised by it in this behalf, may, at all reasonable times, enter upon any land and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any of the functions imposed upon him under this Act.

Delegation of functions. 42. (1) The Authority may, by a general or special order in writing, delegate to the Chief Executive Officer, the Commissioner, the Collector or any other officer such of its functions under this Act as may be specified in the order.

(2) The Authority may, by a general or special order in writing, form one or more committees consisting of its members and delegate to such committee such of the functions of the Authority as may be specified in the order.

(3) The Commissioner may, by an order in writing, delegate to any person such of the functions imposed on him by or under this Act as may be specified in the order.

(4) The Collector may, by an order in writing, delegate to the District Development Officer or any other person such of the

functions imposed on him by or under this Act as may be specified in the order.

(5) An order under sub-section (1), (3) or (4) may specify the conditions subject to which the functions specified therein may be performed.

43. (1) In the performance of its functions under this Act, the Authority shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Power of State Government to issue directions to Authority.

Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

44. (1) The Authority, The Commissioner or the Collector for the purpose of performing functions under this Act and for reasons to be recorded in writing issue an order directing a person to do or abstain from doing a specified thing within the affected areas in which the emergency relief measures are being undertaken.

Power to issue direction.

(2) Any person on receipt of such order shall comply with the same.

45. Every member, the Chief Executive Officer, the Commissioner and every officer and employee of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act, or of any rule or regulation made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members and employees to be public servants.

45 of
1860.

46. No suit, prosecution or other legal proceeding shall lie against the Authority or any member or officer or employee of the Authority or Protection of action taken under the Act.

the Chief Executive Officer, the Commissioner or the Collector for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or of any rule or regulation or order made there-under.

Power of State Government to make rules.

47. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the following matters expressly required or allowed by this Act to be prescribed by rules.
- (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power of Authority to make regulations.

48. (1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with the Act and the rules made there-under, for enabling it to perform its functions under this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may be made to provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

Dissolution of
society.

21 of
1860.

49. With effect on and from the date on which the Authority is established under sub-section (1) of section 6, the Gujarat State Disaster Management Authority, registered as a society under the Societies Registration Act, 1860 and functioning immediately before such date, shall, notwithstanding anything contained in that Act, stand dissolved (hereinafter in this section referred to as "the dissolved Authority") and upon such dissolution, the following consequences shall ensue, namely:--

- (i) all properties, movable and immovable, and assets vesting in the dissolved Authority shall stand transferred to and vest in the Authority so established (hereinafter in this section referred to as the "successor Authority"),
- (ii) all rights, liabilities and obligations of the dissolved Authority (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the successor Authority,
- (iii) all sums due to the dissolved Authority shall be recoverable by the successor Authority, and for the purpose of such recovery, the successor Authority shall be competent to take such measures which were competent for the dissolved Authority to take subject to all limitations, conditions, rights or interests of any person subsisting immediately before the said date,
- (iv) all contracts made with and all instruments executed on behalf of the dissolved Authority shall be deemed to have been made with or by or on behalf of the successor Authority and shall have effect accordingly,

- (v) all proceedings and matters pending before the dissolved Authority or any officer of the dissolved Authority immediately before the said date shall be deemed to be transferred to the successor Authority or to such officer as the successor Authority may direct,
- (vi) in all suits and legal proceedings pending on the said date in or to which the dissolved Authority was a party, the successor Authority shall be deemed to be substituted therefor,
- (vii) all officers and employees of the dissolved Authority shall be the officers and employees of the successor Authority,
- (viii) any reference to the dissolved Authority in any instrument shall, unless a different intention appears, be construed as a reference to the successor Authority.

Power to remove difficulties.

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the commencement of this Act.

(2) Every order made under sub- section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

Saving.

51. The Authority, its officers and employees, the Chief Executive Officer, the Commissioner and the Collector shall perform functions imposed by or under this Act in addition to and not in derogation of functions performed by the State Government or any of its officers in pursuance of the provisions of any law for the time being in force or in exercise of the executive powers of the State for the prevention of occurrence of disasters, mitigation of effects of disasters, facilitating, co-ordinating and monitoring emergency relief and monitoring and co-ordinating measures for reconstruction and rehabilitation in the aftermath of the disasters in the State or in relation thereto.

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(C)



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EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 5th April, 2003).

AN ACT

further to amend the Bombay prohibition Act, 1949.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Prohibition (Gujarat Amendment) Act, 2003. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Insertion of new section 92 in Bom. XXV of 1949.

2. In the Bombay Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), after section 91, the following section shall be inserted, namely :-

Bom.
XXV
of
1949.

Rendering
community
service in lieu
of
imprisonment.

"92. (1) Where the court, on conviction for the first offence under clause (b) of sub-section (1) of section 66 for consumption of an intoxicant or sub-section (1) of section 85 or both sentences a person to simple imprisonment for certain term, it shall, in lieu of such imprisonment, require such person to execute a bond with sureties containing such conditions in such form as may be prescribed, for rendering such community service and subjecting himself to such medical treatment for getting freed from addiction of intoxicant as may be prescribed for the term of such imprisonment.

(2) On execution of the bond under sub-section (1), the sentence shall stand suspended and the person shall be released :

Provided that if the person commits breach of any condition of the bond, the suspension of sentence shall stand cancelled and the sentence shall revive and the person shall be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence.

Explanation.- Nothing in this section shall be deemed as granting of probation to the offender."

Amendment of
section 143 of Bom.
XXV of 1949.

3. In the principal Act, in section 143, in sub-section (2), after clause (uu), the following clause shall be inserted, namely :-

"(uuu) prescribing the form of the bond, nature of the community service, and the terms and conditions subject to which such service shall be rendered and medical treatment to which person shall be subject under sub-section (1) of section 92;"



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th April, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 8th April, 2003).

AN ACT

to provide for freedom of religion by prohiibition of coversion from one religion to another by the use of force or allurement or by fraudulent means and for the matters incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Freedom of Religion Act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) "allurement" means offer of any temptation in the form of-
 - (i) any gift or gratification, either in cash or kind;
 - (ii) grant of any material benefit, either monetary or otherwise;
 - (b) "convert" means to make one person to renounce one religion and adopt another religion;
 - (c) "force" includes a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication;
 - (d) "fraudulent means" includes misrepresentation or any other fraudulent contrivance;
 - (e) "minor" means a person under eighteen years of age.

**Prohibition of
forcible
conversion.**

3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by use of force or by allurement or by any fraudulent means nor shall any person abet such conversion.

**Punishment for
contravention of
provisions of
section 3.**

4. Whoever contravenes the provision of section 3 shall, without prejudice to any civil liability, be punished with imprisonment for a term, which may extend to three years and also be liable to fine, which may extend to rupees fifty thousand:

Provided that whoever contravenes the provisions of section 3 in respect of a minor, a woman or a person belonging to Scheduled Caste or Scheduled Tribe shall be punished with imprisonment for a term which may extend to four years and also be liable to fine which may extend to rupees one lakh.

**Prior permission
to be taken from
District
Magistrate with
respect to
conversion.**

5. (1) Whoever converts any person from one religion to another either by performing any ceremony by himself for such conversion as a religious priest or takes part directly or indirectly in such ceremony shall take prior permission for such proposed conversion from the District Magistrate concerned by applying in such form as may be prescribed by rules.

(2) The person who is converted shall send an intimation to the District Magistrate of the District concerned in which the ceremony has taken place of the fact of such conversion within such period and in such form as may be prescribed by rules.

(3) Whoever fails, without sufficient cause, to comply with the provisions of sub-sections (1) and (2) shall be punished with imprisonment for a term, which may extend to one year or with fine which may extend to rupees one thousand or with both.

6. No prosecution for an offence under this Act shall be instituted except by or with the previous sanction of the District Magistrate or such other authority not below the rank of a Sub-Divisional Magistrate as may be authorised by him in that behalf.

Prosecution to be made with the sanction of District Magistrate.

7. An offence under this Act will be cognizable and shall not be investigated by an officer below the rank of a Police Inspector.

Offence to be cognizable.

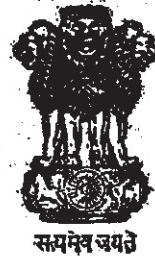
8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

(C)



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV
**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the President on the 30th April, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2003.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 5th May, 2003).

AN ACT

further to amend the Indian Electricity Act, 1910 in its application to the State of Gujarat.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

- (1) This Act May be called the Indian Electricity (Gujarat Amendment) act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title
and
commencement.

Amendment of section 26 of IX of 1910.

2. In the Indian Electricity Act, 1910 in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), in section 26, in sub-section (6), for the words "six months", the words "twelve months" shall be substituted.

Substitution of section 39 of IX of 1910.

3. In the principal Act, for section 39, the following section shall be substituted, namely:-

Penalty for theft of energy.

"39. (1) Whoever dishonestly abstracts, consumes, uses or draws any energy,-

- (a) otherwise than through a meter referred to in section 26,
- (b) by tampering with such meter or its seals or apparatus or circuits,
- (c) by manipulating change of phases of the electric supply,
- (d) by obstructing or interfering in the functioning of such meter,
- (e) by manipulating any meter, indicator or apparatus,
- (f) by cutting, damaging or removing insulation of service wire,
- (g) from a disconnected connection, or
- (h) by any other means whatsoever,

shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to two lakh rupees or with both; and if it is proved that any artificial means or means not authorised by the electricity utility exist for the abstraction, consumption, use or draw of energy by the consumer or any other person, it shall be presumed, until the contrary is proved that any abstraction, consumption, use or draw of energy has been dishonestly caused by such consumer or person:

Provided that such imprisonment shall not be less than one month and such fine shall not be less than ten thousand rupees.

(2) Any officer of electricity utility or any Electrical Inspector authorised in this behalf by the State Government may-

- (a) enter, inspect, break open and search any place or premises in which he has reason to believe that energy has been, is being, or is likely to be, dishonestly abstracted, consumed, used or drawn;
 - (b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, is being, or is likely to be used for dishonest abstraction, consumption, use or draw of energy;
 - (c) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) of this section or section 39A, 39AA or 44 and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence.
- (3) The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:

Provided that no inspection, search and seizure in any domestic place or premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such place or premises.

2 of 1974.

- (4) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, as far as may be, to searches and seizures under sub-section (2).

- (5) Where, during an inspection of any place or premises under sub-section (2), a consumer or a person is found to have committed an offence under section 39, 39A, 39AA or 44, the electricity utility may cut off the supply to the place or premises and for that purpose cut or disconnect any electric supply line or any other work being the property of the electricity utility and shall discontinue the supply till the time the electricity utility restores the supply in accordance with its conditions of supply.

Explanation I.- For the purpose of this section, the expression "dishonestly" shall have the same meaning as assigned to it in section 24 of the Indian Penal Code and the

45 of 1860.

expression "dishonest" occurring in this section and section 50A shall be construed accordingly.

Explanation II.- For the purpose of this section, section 39A and sub-section (1) of section 50A, the expression "electricity utility" means the Board constituted under section 5 of the Electricity (Supply) Act, 1948 or a licensee or a person who is authorised under this Act or any other law for the time being in force to supply electricity."

54 of 1948.

Amendment of
section 39A of
IX of 1910.

4. In the principal Act,-

(1) section 39A shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, for the word "Whoever", the words "Whoever including an officer or an employee of an electricity utility" shall be substituted;

(2) after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) Where-

(a) any inspector or any officer appointed to assist the inspector on whom duty is imposed by the provisions of this Act or any rule made thereunder, or

(b) any officer or employee of an electricity utility on whom duty is imposed by the electricity utility,

to undertake inspection and testing periodically or maintenance of an installation connected to the supply system of electricity utility, neglects to inspect and test periodically or maintain the installation and such negligence results in the commission of an offence under section 39 or 44, the inspector, officer or employee shall be punishable for offence under section 39A, for abetting an offence under section 39 or, as the case may be, 44."

Insertion of
new section
39AA in IX of
1910.

5. In the principal Act, after section 39A, the following section shall be inserted, namely:-

Attempt.

"39AA. Whoever attempts to commit an offence punishable under section 39 or section 44 or to cause such an offence to be committed, and in such attempt does any act towards commission of the offence shall be punishable with punishment provided for the offence."

6. In the principal Act, in section 44-

- (1) for the words "five thousand rupees", the words "two lakh rupees" shall be substituted;
- (2) for the words "fifty rupees", the words "two thousand rupees" shall be substituted;
- (3) the following proviso shall be added at the end, namely:-

"Provided that such imprisonment shall not be less than one month and

- (i) such fine shall not be less than ten thousand rupees, and
 (ii) such daily fine shall not be less than one hundred rupees."

7. In the principal Act, after section 49, the following section shall be inserted, namely:-

Insertion of new section 49AA in IX of 1910.

Penalty for second and subsequent offences.

"49AA. If any person convicted of an offence under section 39, 39A, 39AA or 44 is again convicted of an offence under any of the aforesaid provisions, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than three months but which may extend to five years and with fine which shall not be less than fifty thousand rupees."

Penalty for second and subsequent offences.

8. In the principal Act, after section 50, following sections shall be inserted, namely:-

Insertion of new sections 50A, 50B, 50C, 50D and 50E in IX of 1910.

Compounding of offences.

"50A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or section 50, any officer of the electricity utility authorised in this behalf by the electricity utility (hereinafter in this section referred to as 'the authorised officer') may, either before or after the institution of proceedings for any offence punishable under section 39, 39A, 39AA or 44 accept from a consumer or person charged with offence by way of composition of the offence such sum as may be determined by the electricity utility and the sum so determined shall not be-

2 of 1974.

Amendment of section 44 of IX of 1910.

- (a) less than the loss suffered by the electricity utility on account of non payment of the sum which would have been chargeable to the consumer or person by the electricity utility if the energy dishonestly abstracted, consumed, used or drawn by committing the offence, had been legally consumed or used by the consumer or person from the supply of energy by the electricity utility, and
- (b) more than five times the loss so suffered;

Provided that the dishonest abstraction, consumption, use or draw of energy during a period exceeding twelve months prior to detection of offence shall not be taken into account for the purpose of determination of the sum to be paid by a consumer or person under this sub-section.

- (2) On payment of such sum as may be determined by the authorised officer under sub-section (1), the consumer or person, if in custody, shall be set at liberty and if any proceedings shall have been instituted against the consumer or person in any criminal court, the composition shall be held to amount to an acquittal of the accused person and no further proceedings shall be taken against the accused person in respect of the same offence.

Designation of courts of Judicial Magistrate of the First Class and Metropolitan Magistrates.

50B. For the purpose of providing for speedy trial of specified offences under this Act, in any district or metropolitan area, in the State, the State Government may after consultation with the High Court, by notification in the *Official Gazette*, designate one or more courts of Judicial Magistrate of the First Class or, as the case may be of Metropolitan Magistrate in such district or metropolitan area (hereinafter in sections 50C, 50D and 50E referred to as "the designated court").

Explanation:- For the purpose of this section and sections 50C and 50E, the expression "specified offence" means an offence under section 39, 39A, 39AA or 44.

Powers and procedure of designated courts.

50C. (1) Unless otherwise directed by the High Court, the designated court shall exercise jurisdiction in respect of specified offences only.

(2) Notwithstanding anything contained in sub-section (1), when trying any case, the designated court may also try any offence other than a specified offence with which the accused may under the Code of Criminal Procedure, 1973 be charged at the same trial.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the designated court may, try the specified offence in

2 of 1974.

2 of 1974.

a summary way in accordance with the procedure prescribed in the said Code and the provisions of the sections 263 to 265 of the said Code, shall, so far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the designated court to pass a sentence of imprisonment for a term not exceeding three years:

Provided further that when, at the commencement of or in the course of a summary trial under this section, it appears to the designated court that the nature of the case is such that a sentence of imprisonment for a term exceeding three years may have to be passed or that it is undesirable to try it in a summary way, the designated court shall after hearing the parties record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

Appeal: 50D. Any person convicted on a trial held by a designated court may appeal to the Court of Session.

Transitory provision. 50E. (1) All cases involving specified offences committed in a district or a metropolitan area in the State and pending before any court in such district or metropolitan area before the date of the notification issued under sub-section (1) of section 50B, (hereinafter referred to as "the said date") shall stand transferred to the designated court having jurisdiction in respect of such district or metropolitan area under section 50B and the designated court to which such proceedings stand transferred shall proceed with such cases from the stage at which they were pending before the said date.

(2) Nothing in sub-section (1) shall apply to the cases involving specified offences, committed in a district or metropolitan area in which a court of Judicial Magistrate of the First Class or, as the case may be of Metropolitan Magistrate is designated under section 50B and pending in a court other than a designated court, if the whole of the evidence for prosecution is taken before the said date."

(C)



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 3rd May, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2003.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 12th May, 2003.)

AN ACT

to provide for reorganisation and rationalisation of electricity industry in the State of Gujarat and for establishing an Electricity Regulatory Commission in the State for regulating the electricity industry and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

CHAPTER I**PRELIMINARY**

1. (1) This Act may be called the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003. Short title, extent and commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) "Advisory Committee" means a committee constituted under section 41;
 - (b) "Central Act" means the Electricity Regulatory Commissions Act, 1998; 14 of 1998.
 - (c) "Central Commission" means the Central Electricity Regulatory Commission established under sub-section (1) of section 3 of the Central Act;
 - (d) "Chairperson" means the Chairperson of the Commission;
 - (e) "Commission" means the Gujarat Electricity Regulatory Commission established or deemed to be established under section 3;
 - (f) "electricity industry" means business or activities of generation, transmission, distribution or supply of electricity, the operation of power system and activities and matters connected thereto;
 - (g) "High Court" means the High Court of Gujarat;
 - (h) "Licence" means a licence granted under section 20 or deemed to be granted under section 19;
 - (i) "Licensee" means a person holding a licence;
 - (j) "Local authority" means a municipal corporation, nagar panchayat, municipal council, district panchayat, taluka panchayat, notified area committee or Cantonment Board constituted under the relevant local authority law;
 - (k) "Member" means a member of the Commission and includes the Chairperson;
 - (l) "prescribed" means prescribed by rules;
 - (m) "regulations" means regulations made under this Act;
 - (n) "relevant local authority law" means-
 - (i) in relation to a City, the Bombay Provincial Municipal Corporations Act, 1949; Bom. LIX of 1949.

Guj. 34 of 1964.

- (ii) in relation to a municipal borough, transitional area, smaller urban area and notified area, the Gujarat Municipalities Act, 1963;

Guj. 18 of 1993.

- (iii) in relation to a taluka and district, the Gujarat Panchayats Act, 1993;

2 of 1924.

- (iv) in relation to a cantonment, the Cantonments Act, 1924;

- (o) "rules" means rules made under this Act;
- (p) "Selection Committee" means the Selection Committee constituted under section 6;
- (q) "undertaking" means an unit engaged in generation, transmission, distribution or supply of electricity or in any other activity connected with the operation of power system in the State;
- (r) words and expressions used but not defined in this Act and defined in the Central Act shall have the meanings respectively assigned to them in that Act;
- (s) words and expressions used but not defined either in this Act or in the Central Act and defined in the Indian Electricity Act, 1910, or in the Electricity (Supply) Act, 1948 shall have the meanings respectively assigned to them in those Acts.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF COMMISSION

**Establishment
and incorporation
of Commission.**

3. (1) For the purpose of regulating electricity industry in the State, the State Government shall, by notification in the *Official Gazette*, establish a Commission by the name of the Gujarat Electricity Regulatory Commission.
- (2) The Commission shall be a body corporate, with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property both movable and immovable, and to contract and do all things necessary for the purposes of this Act.
- (3) (a) Notwithstanding that by virtue of section 70, the provisions of the Central Act in so far as they relate to State Commission have ceased to apply, the Gujarat Electricity Regulatory Commission

established under sub-section (1) of section 17 of the Central Act and functioning immediately before the date of commencement of this Act (hereinafter in this section referred to as "the said Commission") shall be deemed to be first Commission established under sub-section (1);

(b) The Chairperson and members of the said Commission holding office immediately before the said date, shall respectively be the Chairperson and members of the first Commission;

(c) the Chairperson and the members of the first Commission shall hold office for the period for which they would have held office under the Central Act subject, however, to the provisions relating to disqualifications, resignation, removal and vacancy in this Act.

Headquarters of Commission.

4. The headquarters of the Commission shall be at Ahmedabad or at such other place as the State Government may, by a notification in the *Official Gazette*, specify.

Constitution of Commission.

5. (1) The Commission shall consist of a Chairperson and two other members to be appointed by the State Government on the recommendation of a Selection Committee constituted under section 6.

(2) Out of three members,-

(a) one shall be a person who has special knowledge and professional experience in the field of engineering related to generation, transmission, distribution or supply of electricity;

(b) the other two shall be the persons who have special knowledge and professional experience in the field of finance, commerce, economics, regulation of industry, law or management:

Provided that not more than one member shall be appointed having professional knowledge and experience in the same field.

(3) A member of the Commission shall render whole time service and shall not hold any other office during his tenure of office.

(4) On occurrence of any vacancy in the office of a member due to death, resignation or any other reason, the same shall be filled in by the State Government in the manner provided in this Act.

**Constitution of
Selection
Committee and its
functions.**

6. (1) The State Government shall for the purpose of selecting persons for being appointed as members of the Commission, constitute at such times as specified in sub-section (3), a Selection Committee consisting of the following three members, namely :-

- (a) a Judge of the High Court designated by the Chief Justice to be the Chairperson *ex-officio*;
- (b) the Chief Secretary to the Government of Gujarat *ex-officio*;
- (c) the Chairman of the Authority or a member thereof nominated by the Chairman *ex-officio*.

(2) The Secretary to the Government of Gujarat in Energy and Petro-chemicals Department shall be the Secretary *ex-officio*.

(3) The State Government shall, within one month from the date of occurrence of any vacancy in the office of a Chairperson or member by reason of his death, resignation or removal or within six months before the superannuation of or the end of tenure of the Chairperson or a member constitute the Selection Committee and make a reference to it for recommending persons for being selected for appointment in the vacancy.

(4) The Selection Committee shall, after satisfying itself that the persons who are being recommended by it possess the qualifications mentioned in sub-section (2) of section 5 and are not disqualified under section 9, recommend within two months from the date on which the reference is received by it a panel of names of two persons for each vacancy in the office of a Chairman or, as the case may be, a member.

(5) The Selection Committee may, for the purpose of recommending persons under sub-section (4) follow such procedure as deemed fit including the appointment of a search committee consisting of such persons as the Selection Committee considers appropriate to suggest the panel of persons possessing the requisite qualification and experience and suitable for being considered for appointment as Chairperson or member of the Commission.

(6) The State Government shall within fifteen days from the date of the recommendation by the Selection Committee under sub-section (4), appoint one of the two persons recommended by the Selection Committee for the vacancy.

Term of office and conditions of members.

7. (1) A member shall hold office for a period of five years from the date on which he enters upon his office:

Provided that he shall cease to be a member on the day on which he attains the age of sixty-five years.

(2) No person shall be appointed as a member after he has attained the age of sixty-two years.

(3) A member shall not be eligible for re-appointment after the expiry of the term of his office.

(4) The salary and allowances payable to and other conditions of service of the members shall be such as may be prescribed:

Provided that the salary and allowances and other conditions of service of a member shall not be varied to his disadvantage during the tenure of his office.

Oath of office and secrecy.

8. The Chairperson and every member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed.

Disqualifications.

9. A person shall be disqualified for being appointed or being a member of the Commission, if—

(a) he is a member of the Parliament or of any State Legislature or any local authority; or

(b) he is a member of a political party;

(c) he is, or at any time, has been adjudged an insolvent or he has suspended payment of his debts or has compounded with his creditors;

(d) he is of unsound mind and stands so declared by a competent court;

(e) he is, or has been convicted of any offence which in the opinion of the State Government, involves moral turpitude;

- (f) he has either directly or indirectly any financial or other interest which is likely to affect prejudicially his functioning as a member;
- (g) he has either directly or indirectly any financial or other interest in -
 - (i) generation, transmission, distribution or supply of electricity,
 - (ii) manufacture, sale or supply of any fuel for generation of electricity,
 - (iii) manufacture of, or any dealings in, plant and machinery, equipments, apparatus or fittings for the matters specified in sub-clause (i), or
 - (iv) any body which provides professional services in relation to matters specified in the aforesaid sub-clauses.

10. (1) Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office, if, in its opinion, such a member -

**Removal and
resignation of
member.**

- (a) is or has become, subject to any of the disqualifications mentioned in section 9,
- (b) has been guilty of misconduct in discharge of his duties,
- (c) has become physically or mentally incapable of discharging his duties as a member,
- (d) has so abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has without reasonable cause refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office-

- (i) on the ground specified in clause (f) or (g) of section 9 or clause (b), (c), (d) or (e) of this sub-section, unless the High Court on a reference made to it in this behalf by the State

Government, has on an inquiry, reported that the member is liable to be removed on such ground;

(ii) on any ground specified in clauses (a) to (e) of section 9, unless an opportunity of being heard is given to the member.

(2) Pending an inquiry against Chairperson or a member under sub-section (1), the State Government may on the recommendation of the High Court suspend the Chairperson or the member from his office.

(3) Any member may resign from his office by giving notice in writing, for such period as may be prescribed, to the State Government, and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office.

11. A person who ceases to be a member shall not -

(a) be entitled to appear in any proceedings before the Commission as a representative of any person for a period of three years from the date of such cesser;

(b) acquire either directly or indirectly any financial or other interest of the nature specified in clause (g) of section 9 for a period of two years from the date of such cesser;

(c) be appointed directly or indirectly in the service of the State Government or any company, body corporate, institution or undertaking, owned or controlled by the State Government or any electricity industry in the State, or in any subsidiary or associated company or firm of such electricity industry for a period of two years from the date of such cesser.

**Proceedings of
Commission.**

12. (1) The Commission shall meet on such day and at such time and place as the Chairperson or, in his absence, a senior member fixes and shall, subject to sub-sections (2), (3) and (4), observe such rules of procedure with regard to transaction of its business at its meetings as may be provided by regulations.

(2) Every meeting shall be presided over by the Chairperson, if he is present at the time appointed for holding the same, and, if the office of the Chairperson is vacant or if the Chairperson is, for any reason, absent, by a member who is senior.

(3) (a) No business shall be transacted at a meeting of the Commission unless at least two members are present from the beginning to the end of such meeting;

(b) All questions at a meeting of the Commission shall be decided by a majority of votes.

(4) If, by reason of disability of a Chairperson or a member or of a vacancy in the office of the Chairperson or a member, there are two members present at the meeting, then in the event of equality of votes, the presiding authority shall have and exercise a second or casting vote.

(5) Notwithstanding anything contained herein, the Commission may decide urgent matters by the procedure of circulation subject to the following conditions:

(a) Where a matter is required to be decided by the Commission urgently, the Chairperson may, instead of bringing the matter for discussion at a meeting of the Commission, direct that it may be circulated to the members for opinion and if all the members are unanimous and the Chairperson thinks that a discussion at a meeting of the Commission is not necessary, the matter shall be decided without such discussion.

(b) If the members are not unanimous or if the Chairperson thinks that a discussion at a meeting is necessary, the matter shall be discussed at a meeting of the Commission.

13. (1) The Commission in order to enable it to perform its functions, may,-

(a) with the approval of the State Government, determine the number and category of officers and employees, and

(b) appoint Secretary, officers and other employees having regard to the number and category of officers and employees determined under clause (a).

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such as may be determined by the Commission by regulations.

Officers and
employees of
Commission.

Consultants.

14. The Commission may, for the purpose of enabling it to perform its functions, appoint consultants on such terms and conditions as may be determined by the regulations.

Funding of expenses of Commission.

15. (1) The expenditure of the Commission shall be charged upon the Consolidated Fund of the State.

(2) The Commission may also levy on licensees and other persons seeking any approval, consent, order or directions from the Commission or making any other application to the Commission such fees and charges as the Commission may specify in the regulations and utilise the amounts collected thereof towards meeting the expenses of the Commission.

Provided that:

- (a) the extent of such fees and charges to be levied by the Commission shall be consistent with the budget submitted by the Commission under section 46; and
- (b) to the extent of the amount available to the Commission from such fees and charges there shall be no charge on the Consolidated Fund of the State.

Acts and proceedings presumed to be valid.

16. (1) No act or proceeding of the Commission shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in, the constitution of the Commission.

(2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

CHAPTER III

FUNCTIONS AND POWERS OF COMMISSION

Functions of Commission.

17. Subject to the provisions of this Act, the Commission shall perform the following functions, namely:-

- (a) to regulate purchase, transmission, distribution, supply and utilisation of electricity, the quality of service and the tariff and charges payable for the transmission, distribution or supply of electricity having regard to the interest of both the consumers and other persons availing the services and the utilities;

- (b) to regulate the procedure
 - (i) for purchase and procurement of electricity from any source for transmission, sale, distribution and supply thereof in the State; and
 - (ii) for the determination of the price for such purchase or procurement;
- (c) to promote efficiency, economy and safety in the use of the electricity in the State;
- (d) to determine the tariff for electricity; wholesale, bulk, grid or retail in accordance with the provisions of this Act;
- (e) to determine the tariff payable for the use of the intra-State transmission facilities in accordance with the provisions of this Act;
- (f) to issue licences in accordance with the provisions of this Act and determine the conditions to be included in the licences;
- (g) to levy fees, charges and fines in accordance with the provisions of this Act and retain the same for its expenses;
- (h) to regulate the working of the licensees and to enable that the working of licensees is efficient, economical and equitable;
- (i) to require licensees to formulate prospective plans and schemes in co-ordination with the other persons for the promotion of generation, transmission, distribution, supply and use of electricity;
- (j) to require the licensees to collect data and forecast the demand for use of electricity;
- (k) to set and enforce standards for the electricity industry in the State including standards relating to safety, quality, continuity and reliability of service;
- (l) to promote competitiveness in the electricity industry in the State;
- (m) to formulate standards, codes and practices for operation of the State Grid and the power system;
- (n) to promote efficient utilisation and conservation of electricity, reduction of wastes and losses in the use of electricity;

- (o) to give such advice to the State Government, as the Commission deems appropriate, on matters concerning generation, transmission, distribution, supply and utilisation of electricity in the State;
- (p) to refer, if the Commission deems appropriate, matters to other agencies and bodies dealing with consumer disputes, restrictive and unfair trade practices and management and administration of the affairs of the licensees;
- (q) to adjudicate upon the disputes and differences between the licensees and to refer matters for arbitration, if considered necessary in accordance with the provisions of this Act; and
- (r) to undertake all incidental or ancillary functions that the Commission may consider appropriate.

**Powers of
Commission.**

18. (1) The Commission shall, for the purposes of any inquiry under this Act have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

5 of 1908.

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) requiring the discovery and production of any document or other material object producible as evidence;
- (c) receiving of evidence on affidavits;
- (d) requisitioning of any public record or a copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) review of its decisions, directions and orders; and
- (g) any other matter which may be specified by the Commission by regulations.

- (2) The Commission shall have the power to pass such interim order in any matter before it, as it may consider appropriate.
- (3) Where the Commission is of the opinion that it is necessary so to do for the purposes of this Act, it may require by an order in writing to any person-

(a) to produce before, or to allow examination by, an officer specified in the said order such books, accounts, or other documents in the custody or control of that person, relating to any matter concerning the transmission, distribution, supply or use of electricity, as may be specified in the order, and

(b) to furnish to the officer specified in the order such information in his possession, power or control as may be specified in the order.

(4) Where during any inquiry or proceedings under this Act, the Commission has reason to believe that any books or accounts or documents of or relating to any person engaged in transmission, distribution and supply or use of electricity in relation to whom such inquiry is made or proceedings are undertaken are being or may be destroyed, mutilated, altered, falsified or secreted, the Commission may by written order authorise any officer of the Commission to enter and search any place of business of the person or any other place where the Commission has reason to believe that the person keeps or is for the time being keeping the books, or accounts or documents and to seize the same and after granting a receipt therefore retain the same for so long as is necessary in connection with such inquiry.

2 of 1974.

(5) The provisions of the Code of Criminal Procedure, 1973 relating to searches shall apply so far as may be, to the search made under sub-section (4).

(6) The Commission may, by a general or special order call upon any person to furnish to the Commission periodically or, as and when required, any information concerning his activities related to generation, transmission, distribution and supply or use of electricity.

9 of 1910.

(7) Notwithstanding anything contained in sections 12 to 16 (both inclusive) and sections 18 and 19 of the Indian Electricity Act, 1910, the Commission may for the purpose of placing of the electric supply lines, appliances and apparatus for transmission, distribution and supply of electricity, by order in writing, confer upon a licensee or any other person engaged in transmission, distribution or supply of electricity any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885 with respect to placing of telegraph lines and posts subject to such conditions as the Commission may specify in such order.

13 of 1885.

CHAPTER IV**LICENSING OF TRANSMISSION AND SUPPLY OF ELECTRICITY**

Prohibition against business of transmission, distribution or supply of electricity.

19. (1) No person shall carry on business of transmitting, distributing or supplying (whether in bulk or not) electricity in the State except-

- (a) the Board constituted under section 5 of the Electricity Supply Act, 1948,
- (b) a Government company or a body corporate owned or controlled by the State Government to which undertakings vested in the State alongwith functions, duties, powers and obligations, are transferred under sub-section (3) of section 28 by schemes published in the *Official Gazette*, hereunder;
- (c) under a licence granted under section 20 or exemption granted by the Commission under section 26 or under a sanction granted by the State Government under section 27,
- (d) under a licence granted by the State Government under section 3 of the Indian Electricity Act, 1910 before the commencement of this Act or under sanction given by the Government under section 28 of that Act before such commencement so long as such licence or sanction is subsisting;

Provided that the Board referred to in clause (a) and the Government company or body corporate owned or controlled by the State Government referred to in clause (b) shall carry on business of transmitting or supplying (whether in bulk or not) electricity subject to such terms and conditions as the Commission may, by notification in the *Official Gazette*, specify:

Provided further that the persons to whom a licence or sanction referred to in clause (d) has been granted or given shall -

- (i) be deemed to be licensees or exemption holders under this Act on the terms and conditions on which the licence or sanction had been granted;

- (ii) the provisions of this Act applicable to a licensee shall *mutatis mutandis* apply to such deemed licensees or exemption holders; and
 - (iii) the licence, or sanction granted to the deemed licensees or exemption holders shall be subject to such modification as the Commission may make consistent with the objective and purpose of the Act.
- (2) Where any difference or dispute arises as to whether any person is or is not engaged or about to engage in the business of transmitting or supplying or distributing electricity, the matter shall be referred to the Commission and the decision of the Commission thereon shall be final.

(3) No licensee shall, on or after the date of the commencement of this Act, supply electricity to any consumer unless a meter is installed for ascertaining the quantity of electricity supplied to the consumer:

Provided that a licensee who on the date of the commencement of this Act supplies electricity without installation of a meter to an occupant of land assessed or held for the purpose of agriculture in the specified area of supply of the licensee may continue to supply till 30th June, 2006 electricity to such occupant without installation of a meter:

Provided further that the licensee shall before the said date install meters for ascertaining the quantity of electricity supplied to such occupants in a specified area of supply of the licensee in accordance with a scheme for progressive installation of meters formulated by the Commission.

(4) No licence to distribute or supply electricity in a specified area of distribution or supply shall be granted to a generating company-

- (a) if grant of such licence is likely to adversely affect the operation of the power system or organised development of electricity industry or is not in public interest or in the interest of the consumers in the specified area of distribution or supply, or
- (b) unless the generating company undertakes to charge such tariff to the consumers in a specified area of distribution or supply of an existing licensee as is equal to or less than the tariff charged by such licensee in such area.

20. (1) The Commission may, on an application made to it in such form and on payment of such fee as may be specified by regulations, grant a licence to any person-

Grant of licence.

- (a) to transmit electricity in a specified area of transmission; or
- (b) to distribute electricity in a specified area of distribution; or
- (c) to supply electricity in a specified area of supply; or
- (d) to supply electricity in bulk to any other licensee; or
- (e) to engage in one or more of the activities mentioned in clauses (a) to (d);

Provided that no application for a licence to transmit electricity shall be entertained unless the applicant has obtained the approval of the State Transmission Utility in such manner as may be specified by regulations.

Explanation.- For the purpose of this Chapter and Chapter VI, the expression 'specified area' means the area specified in the licence.

- (2) (a) (i) A person who applies for a licence under sub-section (1) shall publish a notice of his application for the information of the public specifying therein that if there is any objection to the application, the same may be sent to the Commission for its consideration;
- (ii) the notice of his application shall be published within such time, in such manner and containing such particulars as the Commission may specify by regulations.
- (b) The Commission shall not grant a licence until,-
 (i) all objections and suggestions received by the Commission with reference to the application have been considered by the Commission;

Provided that no objection or suggestion shall be considered unless it is received before the expiration of such period not being less than a month from the date of the first publication of the notice under clause (a), as the Commission may by regulations specify; and

- (ii) in the case of an application for a licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes, the Commission

has ascertained that there is no objection from the Central Government to the grant of the licence.

(c) Where an objection is received from any local authority concerned, the Commission shall, if in its opinion, the objection is untenable, record the opinion in writing and communicate it to such local authority alongwith reasons therefor.

(3) (a) There shall be specified in a licence -

- (i) the specified area of transmission, or
- (ii) the specified area of distribution, or
- (iii) the specified area of supply, or
- (iv) other licensee or person to whom electricity may be supplied in bulk, and
- (v) such terms and conditions including those relating to transmission or distribution or supply as may be specified by regulations.

(b) The Commission may specify by regulations the conditions to be included in a licence requiring a licensee to-

- (i) enter into an agreement with another person permitting such person to use electric lines, electrical plant and associated equipment operated by the licensee;
- (ii) furnish information and documents which the Commission may require for its purpose;
- (iii) inform the Commission of any scheme permitted by the licence which the licensee proposes to undertake;
- (iv) undertake such functions and obligations of the Board under the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948 as the Commission may specify by regulations;

- (v) refer a dispute arising under the licence for determination by the Commission or by an arbitrator appointed by the Commission;
- (vi) supply electricity in bulk to other licensees or exemption holder or sanction holder in the State or to any person outside the State;
- (vii) comply with any direction given by the Commission; and
- (viii) act in accordance with the terms and conditions of the licence.

(4) A licence granted for transmission of electricity may authorise the licensee to construct, maintain or operate any intra-State transmission system under the direction, control and supervision of the State Transmission Utility.

(5) The provisions contained in the Schedule to the Indian Electricity Act, 1910 shall be deemed to be incorporated with, and to form part of, every licence granted under this Chapter save in so far as they are expressly added to, varied or excluded by the licence and shall, subject to any such additions, variations or exceptions which the Commission may make, apply to the undertaking authorised by the licence in relation to its activities in the State:

9 of 1910.

Provided that where a licence is granted by the Commission for the bulk supply of electricity to other licensees for distribution or supply by them, then in so far as such licence relates to such bulk supply, the provisions of clauses IV, V, VI, VII, VIII and XII of the said Schedule shall not be deemed to be incorporated in the licence.

(6) The grant of a licence to a person shall not in any way hinder or restrict the power of the Commission to grant a licence to another person within the same specified area for a like purpose.

Powers of
licensee.

21. (1) Subject to the provisions of this Act, the provisions of sections 12 to 26 of the Indian Electricity Act, 1910 shall have effect as if reference to a licensee in those provisions is a reference to a licensee under this Act.

9 of 1910.

(2) (a) Where-

- (i) any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to the

Board, or a licensee (hereinafter in this sub-section referred to as "the licensee") in respect of the supply of electricity to him, and

- (ii) the Board or the licensee to whom such charge or other sum is due is a Government company or a corporation owned or controlled by the State Government,

such charge or other sum or the aggregate of such charge and other sum due to the Board or the licensee shall be recoverable as arrears of land revenue.

- (b) For the purpose of effecting recovery of the charge or sum or both the charge and sum due from a person under clause (a) as the arrears of land revenue, such officer as may be appointed by the State Government in this behalf by notification in the *Official Gazette*, shall have and exercise all the powers and perform all the duties of the Collector under the Bombay Land Revenue Code, 1879.
- (c) No suit or other legal proceeding shall lie in any civil court against the recovery of charge or other sum due as arrears of land revenue unless the person from whom such charge or sum is due deposits the amount of such charge or sum with the Board or the licensee:

Provided that the court may, in the case of hardship caused to the person from whom such charge or sum is due, in depositing the whole amount, dispense with deposit of the amount to the extent of not more than twenty-five percent of the amount due.

22. (1) Where in its opinion the public interest so requires, the Commission may, on the application of the licensee and if the licensee is not a local authority, on the application of the local authority concerned or otherwise, may make such amendments in the terms and conditions of a licence as it thinks fit having regard to the object and purposes of this Act:

Provided that no such amendment, other than an amendment by virtue of a term or condition of a licence or of a term or condition imposed under sub-section (5) of section 23, shall be made except with the consent of the licensee.

- (2) Where the licensee has made an application under sub-section (1) proposing an amendment in his licence, the following provisions shall apply, namely:-

Amendment of
licence.

- (a) the licensee shall invite objections from interested persons by publishing a notice of the application in such manner and with such particulars as the Commission may specify by regulations;
 - (b) the Commission shall not make any amendment until all objections received by it with reference to the application within one month from the date of the first publication of the notice have been considered;
 - (c) in the case of an application proposing an amendment in an area of supply or distribution comprising the whole or any part of the cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes, the Commission shall not make the amendment except with the consent of the Central Government.
- (3) Before making any amendment in a licence otherwise than on the application of the licensee, the Commission shall publish the proposed amendment in such manner and with such particulars as the Commission may specify by regulations and consider all objections received by it with reference to the proposed amendment within one month from the date of the publication of the notice.

**Revocation of
licence.**

23. (1) The Commission may inquire into the functioning of any licensee in carrying out the obligations under this Act or regulations made thereunder or the terms and conditions of the licence,-
- (a) upon receiving a complaint relating to the functioning of the licensee from a consumer or association of consumers; or
 - (b) upon a reference made to it by the State Government, Central Government, the Central Commission, Central Electricity Authority or any other Authority; or
 - (c) on its own motion.
- (2) If upon making such inquiry, the Commission is of the opinion, that the public interest so requires, it may revoke a licence in any of the following cases, namely:-
- (a) where the licensee, in the opinion of the Commission, has committed a willful or unreasonably prolonged default in doing anything required by or under this Act or regulations;

- (b) where the licensee commits a breach of any of the terms and conditions of the licence, the breach of which is expressly declared by such licence to render it liable to revocation;
- (c) where the licensee fails within the period specified in the licence or any longer period that the Commission may, by order, allow -
 - (i) to show, to the satisfaction of the Commission, that he is in a position to discharge the duties and obligations imposed on him by the licence; and
 - (ii) to make the deposit or furnish the security required by the licence;
- (d) where in the opinion of the Commission the financial position of the licensee is such that the licensee is unable to discharge the duties and obligations imposed on him; and
- (e) where the licensee, in the opinion of the Commission has made default in complying with a direction given by the Commission.

(3) Where in its opinion the public interest so requires, the Commission may, on the application or with the consent of the licensee, and if the licensee is not a local authority, after consulting the local authority concerned, revoke a licence as to the whole or any part of the area of transmission, distribution or supply upon such terms and conditions as it thinks fit.

(4) No licence shall be revoked under sub-section (2) unless the Commission has given to the licensee not less than thirty days' notice in writing, stating the grounds on which it is proposed to revoke the licence and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation.

(5) The Commission may, instead of revoking the licence under sub-section (2), permit it to remain in force subject to such modifications or such further terms and conditions as it thinks fit to impose and the terms and conditions so imposed shall be binding upon, and be complied with by, the licensee, and be of like force and effect as if they were contained in the licence.

**Provisions where
licence is revoked.**

24. (1) Where the Commission revokes a licence, under sub-section (2) of section 23, the following provisions shall apply, namely:-

- (a) The Commission shall serve a notice of revocation upon the licensee and shall fix a date on which the revocation shall take effect and on and with effect from that date or on and with effect from an earlier date, on which the undertaking of the licensee is sold to a purchaser in pursuance of clause (c) or is delivered to a designated purchaser in pursuance of sub-section (3), all the rights, duties, obligations and liabilities of the licensee under this Act shall cease and determine.
 - (b) The Commission shall invite applications for purchase of the undertaking of the licensee whose licence is revoked and determine the price and other terms and conditions of the sale of the undertaking in consultation with the licensee and the person whose application has been accepted.
 - (c) The Commission may by notice in writing require the licensee to sell, and thereupon the licensee shall sell the undertaking to the person whose application has been accepted by the Commission (hereinafter in this section referred to as "the purchaser").
- (2) Where an undertaking is sold under sub-section (1), the purchaser shall pay to the licensee the purchase price of the undertaking determined under clause (b) of sub-section (1).
- (3) Where the Commission issues any notice under clause (c) of sub-section (1) requiring the licensee to sell the undertaking, it may by such notice require the licensee to deliver, and thereupon the licensee shall deliver on a date specified in the notice, the undertaking to the designated purchaser pending the payment of the purchase price of the undertaking:

Provided that in any such case, the purchaser shall pay to the licensee interest at such per cent not exceeding the Reserve Bank lending rate prevailing at the time of delivery of the undertaking as the Commission may decide, on the purchase price of the undertaking for the period from the date of delivery of the undertaking to the date of payment of the purchase price.

- (4) (a) Where for any reason no sale of the undertaking has been effected under sub-section (1), the Commission may, in consultation with the State Government -
- (i) by an order published in the *Official Gazette*, authorise any person or body of persons to take over the management of the undertaking of a licensee for such period not exceeding five years from the date of revocation as may be specified in the order;
 - (ii) endeavour to sell the undertaking during the aforesaid period.
- (b) On the issue of the order authorising the taking over of the management of the undertaking -
- (i) all persons in-charge of the management immediately before the issue of the order shall be deemed to have vacated their offices; and
 - (ii) the person or body of persons authorised to take over (hereinafter in this section referred to as "the authorised person or body") shall take all such steps as may be necessary to take into his or their custody or control all the property, effects and actionable claims to which the undertaking is or appears to be entitled and all the property and effects of the undertaking shall be deemed to be in the custody of the person or, as the case may be, body of persons as from the date of the order;
 - (iii) where the undertaking of a licensee is a company, the persons authorised to take over the management of the undertaking shall, for all purposes, be the directors of the undertaking duly constituted under the Companies Act, 1956 and shall alone be entitled to exercise the powers of the directors of the undertaking whether such powers are derived from the said Act or the Memorandum or Articles of Association of the undertaking or from any other source;
 - (iv) subject to the control of the Commission, the authorised person or body shall take such steps as may be necessary for the purpose of effectively managing the business of the undertaking and shall exercise such other powers and have such other duties as may be specified by the Commission;

- (v) the authorised person or body shall, notwithstanding anything contained in the Memorandum or Articles of Association of the licensee, exercise his or their functions in accordance with such directions as may be given by the Commission.
- (c) Where the undertaking of the licensee is sold within the period specified in the order issued under sub-clause (i) of clause (a), the order shall be deemed to have been rescinded from the date of sale.
- (d) Where the undertaking of the licensee is not sold within the period specified in clause (a), the undertaking shall vest in the State Government free from all encumbrances.
- (e) Where an undertaking of the licensee vests in the State Government under clause (d), there shall be paid to the licensee such value as may be determined by the State Government.

**Restrictions on
licensees.**

25. (1) No licensee shall, at any time, without the previous consent in writing of the Commission, acquire by purchase or otherwise the licence or the undertaking of, or associate himself so far as the business of transmission, distribution or supply of electricity is concerned with any person transmitting, distributing or supplying under any other licence or intending to transmit, distribute or supply electricity or with any generating company.
- (2) The licensee shall not, at any time, assign his licence or transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the Commission.
- (3) A holder of a licence for supply or transmission of electricity may, unless expressly prohibited by the terms of his licence or by a general or special order passed by the Commission, enter into arrangements for the purchase of electricity from -
 - (a) the holder of a licence for supply of electricity which permits the holder to supply electricity to other licensees for distribution or supply by them; and
 - (b) any supplier of electricity in accordance with the regulations of the Commission governing the power purchase and procurement process.
- (4) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2) made without the consent of the

Commission or any arrangement entered into, in contravention of sub-section (3), shall be void.

26. (1) Notwithstanding anything contained in this Act, the Commission may by a general or special order grant exemption to any person from the requirement to have a licence to engage in transmission, distribution or supply of electricity including bulk supply subject to compliance with such conditions as may be specified by the regulations.

Exemption from
the requirement
to have a licence.

(2) The Commission shall not grant any exemption under sub-section (1):

- (a) except with the consent of the Central Government, in any case where electricity is to be transmitted, distributed or supplied in any area forming part of any cantonment, aerodrome, fortress, arsenal, or camp or any building or place in the occupation of the Central Government for defence purposes;
- (b) in any area falling within the area of transmission, distribution or supply, without giving an opportunity of hearing to the licensee of such area.

(3) An exemption under sub-section (1) may be granted having regard to such guidelines as may be specified in the regulations :-

- (a) to persons of a particular category; or
- (b) to a particular person; or
- (c) for a particular period.

(4) An exemption granted under sub-section (1) shall be published in such manner as the Commission considers appropriate.

(5) The exemption granted under sub-section (1) may be revoked by the Commission at any time for reasons to be recorded in writing.

(6) An exemption granted under sub-section (1), unless previously revoked, shall continue in force for such period as may be specified in or determined by or under the order granting the exemption.

27. Notwithstanding anything contained in this Act, where the State Government is of the opinion that an emergency has arisen wherein it is necessary to transmit, distribute or supply electricity to the public in an area,

Sanction by State
Government in
case of
emergency.

it may, on an application made to it in such form and on payment of such fees as may be prescribed by an order in writing grant sanction to a person to engage temporarily, for a period not exceeding six months, in the business or activity of transmission, distribution or supplying electricity in such area and in accordance with such conditions as may be specified in the order.

CHAPTER V

REORGANISATION OF GOVERNMENT ELECTRICITY INDUSTRY

Reorganisation of Government Electricity Industry.

28. (1) The State Government may from time to time by notification in the *Official Gazette*, publish schemes to reorganise the Government Electricity Industry and to effect the transfer of such of the functions, duties, powers and obligations and such of undertaking of the Government Electricity Industry or such portion thereof consisting of assets, properties, interest in properties, proceedings and liabilities in the manner and on the terms and conditions as the State Government may provide in the transfer scheme.
- (2) On and from the date the transfer scheme under sub-section (1) is notified in *Official Gazette*, or on and with effect from such further date as may be specified in such transfer scheme, (hereinafter referred to as the effective date), the State Government may provide that such of the undertakings of the Government Electricity Industry or portion thereof consisting of assets, properties, interest in properties, proceedings, liabilities, rights and obligations which immediately before the effective date belong to the Government Electricity Industry shall stand transferred to and vest in the State Government on the terms and conditions specified in the transfer scheme without any further act, deed or thing to be done by the Government Electricity Industry or any other person.
- (3) The State Government may from time to time by notification in the *Official Gazette*, publish schemes to effect transfer of the undertakings which vest in the State under sub-section (2) to such Government companies or bodies corporate owned or controlled by the State Government (hereinafter called "the First Transferee") on such terms and conditions and with such functions, duties, powers and obligations as the State Government may provide in the transfer scheme and such transfer and vesting in the First Transferee shall take effect from the date specified in the transfer scheme without any further act, deed or thing to be done by any person.

- (4) The State Government may, after consulting the First Transferee to whom the functions, duties, rights, powers, obligations and undertakings, as the case may be, have been transferred and vested in terms of the foregoing provisions by notification in the *Official Gazette*, publish schemes to transfer and vest in any other company or body corporate or person or authority (hereinafter called "the Second Transferee") such part of the undertakings from the First transferee to the Second Transferee on such terms and conditions and with such functions, duties, powers and obligations as the State Government may specify and such transfer shall take effect from the date specified in the transfer scheme without any further act, deed or thing to be done by any person.
- (5) Notwithstanding anything contained in this section or any other provision of this Act, in the case of any transfer or vesting of the ownership or control of any undertaking or portion thereof under sub-section (4) or the transfer of the controlling interest in the First Transferee or the Second Transferee to any Company, body corporate, person or authority other than that owned or controlled by the State Government, the same shall be given effect to only with the prior approval by a resolution of the State Legislature.
- (6) The State Government may by notification provide that such of the functions, duties, powers and obligations exercisable by the Board under the Indian Electricity Act, 1910 or the Electricity (Supply) Act, 1948 or any rules framed there under shall be exercisable by the First Transferee or the Second Transferee or by other companies or bodies corporate or person or authority, as the State Government may specify.
- (7) Notwithstanding anything contained in this section, where a transaction of any description is effected in pursuance of the transfer scheme under this Part, it shall be binding on all persons including third parties.
- (8) A transfer scheme may-
- (a) define the property, interest in property, rights and liabilities to be transferred;
 - (i) by specifying or describing the property, rights and liabilities in question;
 - (ii) by referring to all the property, interest in property, rights and liabilities comprised in a specified part of the undertaking; or
 - (iii) partly in the one way and partly in the other;
 - (b) provide that any rights or liabilities specified or described in the scheme shall be enforceable by or against the First Transferee or the Second Transferee;

9 of 1910.

54 of 1948.

- (c) provide for restructuring or re-organisation of the undertakings, including forming of subsidiaries, joint ventures, mergers and demergers;
 - (d) impose on any licensee an obligation to enter into such written agreements with, or execute such other instruments in favour of, any other subsequent licensee as may be specified in the scheme; and
 - (e) make such supplemental, incidental and consequential provisions as it is considered appropriate including provision specifying the order in which any transfer or transaction will be effective.
- (9) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Government Electricity Industry, or the First Transferee before the relevant transfer scheme becomes effective shall, to the extent specified in the relevant transfer scheme, be deemed to have been incurred, entered into or done by the First or the Second Transferee, as the case may be.
- (10) All suits and other legal proceedings instituted or that may be instituted or pending involving the Government Electricity Industry or the First Transferee, as the case may be, before the relevant transfer scheme becomes effective shall in the manner specified in the relevant transfer scheme be continued or instituted by or against the First or the Second Transferee.
- (11) If pursuant to a transfer scheme framed by the State Government a licensee is required to vest any part of its undertaking in another company or body corporate or person or authority, the Commission shall amend the licence granted and issue requisite licence to enable such other company or body corporate or person or authority to discharge the functions.
- (12) The Government Electricity Industry shall cease to be charged with, and shall not perform, the functions, rights, powers and duties to the extent the same are transferred and vested in any other company or body corporate or person or authority in accordance with the provisions of this Act.
- (13) The exercise by a licensee of any of the rights and powers of the Government Electricity Industry may be made on such conditions as shall be specified in the transfer scheme including a condition that they shall be exercised by the licensee only with the approval of the Commission.

Explanation.- For the purposes of this section and section 29, the expression "Government Electricity Industry" means the Board and any other electricity industry owned or controlled by the State Government.

Provisions
relating to
transfer of
personnel.

29. (1) The State Government may provide for transfer of such of the personnel of the Board to the First Transferee or from the First Transferee to the Second Transferee, as the case may be, as a part of the undertaking transferred under section 28 and on such terms and conditions as the State Government may prescribe and such transfers shall be effective in the like manner as in the case of transfers under section 28.

(2) Upon such transfers the personnel, shall hold office or service under the First Transferee or the Second Transferee, as the case may be, on terms and conditions that may be determined in the transfer scheme subject to the following, namely:-

- (a) that the terms and conditions of the service in regard to emoluments and other monetary benefits applicable to them in the First Transferee or the Second Transferee shall not in any way be less favourable than those applicable to them immediately before the transfer;
- (b) that the personnel shall have continuity of service in the First Transferee and the Second Transferee; and
- (c) that all benefits of service accrued before the transfer shall be recognized and appropriately provided for to secure the interest of the personnel.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law as is applicable and except for the provisions made in this Act, the transfer of the employment of the personnel in terms of the provisions of this Part shall not entitle such employees to any compensation or damage under this Act, or any other Central or State law or under the general law, save as provided in the Transfer Scheme.

Explanation. — For the purposes of this Chapter and the Transfer Scheme, the term "personnel" shall mean and include all persons who on the effective date are the employees of the Government Electricity Industry, by whatever name called.

30. The State Government may provide that the transfers in terms of sections 28 and 29 shall be provisional for a period of twelve months from the effective date of transfer and reserve the right to alter, vary, modify, add or otherwise change the terms in such manner as the State Government may consider appropriate.

Variation of
transfer.

Furnishing of information regarding establishment of generating stations.

31. (1) Notwithstanding anything contained in any law for the time being in force, any person who establishes a generating station or acquires a generating station, or extends or replaces major unit of plant or works pertaining to generation of electricity in a generating station, shall furnish information relating to such establishment, acquisition, extension or replacement in such form and manner as may be prescribed, to the State Government and the Commission within seven days of such establishment, acquisition, extension or replacement.
- (2) A generating company shall make available to the State Government, the Commission and the Licensees such information as may be prescribed by the State Government or as may be directed by the Commission relating to the generation plan, shut down proposed for planned maintenance, break down of the plant and other factors affecting the generation and supply of electricity for the purposes of facilitating the effective planning of the power purchase and procurement process in the State.

CHAPTER VI

TARIFFS

Tariffs.

32. (1) Notwithstanding anything contained in any other law or in any existing contract or agreement or arrangement the tariff for intra-State transmission of electricity and the tariff for distribution and supply of electricity (wholesale, bulk or retail, as the case may be,) in the State (hereinafter called the "tariff"), shall be determined by the Commission in accordance with the provisions of this Act.
- (2) The Commission may determine by regulations, the terms and conditions for the fixation of tariff, and in doing so, shall be guided by the following factors, namely:-
- (a) that the tariff progressively reflect the cost of supply of electricity at an adequate and improving level of efficiency;
 - (b) the factors which would encourage efficiency, economical use of the resources, good performance, optimum investments and other matters which the Commission considers appropriate for the purpose of this Act;
 - (c) the electricity generation, transmission, distribution and supply are conducted on commercial principles;

- (d) the interests of the consumers are safeguarded and at the same time, the consumers pay for the use of electricity in a reasonable manner;
- (e) the principles and their applications provided in sections 46 and 57 of the Electricity (Supply) Act, 1948 and the Sixth Schedule thereto; and
- (f) in the case of the Board, the principles under section 59 of the Electricity (Supply) Act, 1948 are observed:

54 of 1948.

54 of 1948.

Provided that where the Commission, departs from factors specified in clause (e) it shall record reasons therefor in writing.

(3) The Licensee shall observe the methodologies and procedures specified by the Commission from time to time in calculating the expected revenue from charges which the Licensee is permitted to recover and in determining tariffs to collect those revenues.

(4) If the State Government requires the grant of any subsidy to any category of consumer or class of consumers in the tariffs which is determined by the Commission under this section, the State Government shall pay the amount to compensate the person affected by the grant of subsidy in the manner which the Commission may direct, as a condition for the licensee or any other person concerned to implement the subsidy provided for by the State Government.

(5) Any retail tariff is determined or implemented under this Act shall not show undue preference to any consumer of electricity, but may differentiate according to the consumer's load factor, power factor, and total consumption of electricity during any specified period or the time at which supply is required or the geographical position of any area, or the nature of supply and the purpose for which the supply is required and further within a class of consumer the paying capacity of category of customers and need for cross subsidization by others in that class;

- (a) shall, be in a manner that the existing subsidy given to any class or classes of consumer by charging higher tariff from other classes of consumer is progressively reduced to the extent that within a period of five years from the commencement of this Act, the tariff to every class of consumer shall reflect a minimum of sixty-seven per cent of the licensee's average cost of supply of electricity to that class;

- (b) shall be just and reasonable and be such as to promote efficiency in the supply and consumption of electricity; and
 - (c) shall satisfy all other relevant provisions of the Act, regulations and conditions of licence.
- (6) Every licensee shall provide to the Commission, at such time and in such manner, as may be specified by the regulations, full details of its calculations for the ensuing financial year of the expected aggregate revenue from charges, which it believes to have been permitted to recover under the tariff and such further information, as the Commission may require to assess such calculations.
- (7) The Commission may after a public hearing of the licensee and other interested parties determine the tariff to be charged by the licensee at the time of initial grant of licence and thereafter at such intervals not exceeding five years and in such manner as the Commission may specify.
- (8) The Commission shall be entitled to include in the tariffs of the licensee an amount to be appropriated to special funds, which the Commission, in its opinion, consider necessary, to meet the expenses required for implementing projects to enable transmission, distribution or supply of electricity in different places in the State.
- (9) No tariff or part of any tariff which is determined by the Commission and implemented may be revised at the instance of the licensee more than once in any financial year, except in respect of any changes expressly permitted to be revised including under any fuel surcharge formula as may be specified by the Commission in the order determining the tariff. The licensee shall provide details of the proposed revision in tariff to the Commission, together with such further information as the Commission may require. The Commission shall notify its decision on the proposed revision in tariff within ninety days of receipt of all information and after hearing the interested persons.
- (10) The licensee shall publish in a daily newspaper having circulation in the specified area and such tariff shall take effect only after seven days from the date of such publication.
- (11) Notwithstanding anything contained in sections 46, 57A and 57B of the Electricity (Supply) Act, 1948 no Rating Committee shall be constituted after the date of commencement of this Act.

Explanation.- In this section —

- (a) "the expected revenue from charges" means the total revenue which a licensee is expected to recover from charges for the level of forecast supply in any financial year, in respect of goods or services supplied to consumers.
- (b) "Tariff" means a schedule of standard prices for transmission, distribution or supply of electric energy or charges for specified services, which are applicable to all such specified services provided to the type or types of purchaser or person who avails the service or consumer specified in the Tariff.

33. The State Government may provide financial assistance to licensees on such terms and conditions as it thinks fit to impose, in the following manner, namely:-

- (a) Grant of subventions.
- (b) Grant of loans.
- (c) Guarantee of repayment by a licensee of the amount of loan, or interest on loan or both the loan and the interest thereon.

Financial assistance to licensee by State Government.

CHAPTER VII

COMMISSION'S POWER TO PASS ORDERS AND ENFORCE DECISIONS

34. (1) Where the Commission is satisfied that a licensee is contravening, or is likely to contravene any of the provisions of this Act or rules or regulations made thereunder or any of the conditions of the licence, it shall either by an interim order under sub-section (4) or by a final order under section 35, issue such directions as it deems proper for preventing such contravention.

Orders for preventing contraventions by licensees.

(2) In determining whether it is appropriate that an interim order be made, the Commission shall have regard, in particular to—

- (a) the extent to which the contravention or likely contravention by the licensee may affect the purposes of this Act;

- (b) the extent to which any person is likely to sustain loss or damage in consequence of such contravention before a final order is made; and
- (c) whether there is any remedy available to prevent such contravention.

(3) If the Commission proposes to make an interim order, it shall give notice of the proposed interim order to the licensee setting out therein the following, namely:-

- (i) the contravention that the proposed order is intended to prevent;
- (ii) the acts or omissions which, in its opinion constitute such contravention;
- (iii) the facts which in its opinion, justify the making of the proposed order;
- (iv) the effects of the proposed order; and
- (v) the period, being not less than fifteen days from the date of notice, within which the licensee may show cause why the proposed order be not made.

(4) The Commission may after considering the reply of the licensee to the notice, if any, make such interim order as it thinks fit at any time after the expiry of the period specified in the notice, if the Commission has reason to believe that,-

- (a) the licensee to whom the notice was given has contravened or is contravening or is likely to contravene any of the provisions of this Act or rules or regulations made thereunder or any condition of licence; and
 - (b) the order is necessary for the purpose of preventing such contravention.
- (5) An interim order -

- (a) may provide for the taking over of the management of the Licensee's Undertakings and functions and authorizing any person or body of persons to manage the affairs and exercise in respect of the whole or any part of the undertaking of the

licensee, such functions or control may be specified in the order till further orders of the Commission;

- (b) may require the licensee to do, or abstain from doing, such things as are specified in the order;
- (c) shall take effect from such date, as is specified in the order; and
- (d) shall cease to have effect on such date as is specified in the order unless the order is rescinded earlier:

Provided that where the Commission has commenced the procedure for making the interim order as final order before the cessation of the interim order, the interim order shall not cease to have effect and shall continue to be in force till a final order is made.

(6) Where the Commission has made an interim order, it shall as soon as possible thereafter,-

- (a) serve a copy of the order on the licensee and publish the same in such manner as it deems fit, and
- (b) commence proceedings to declare the interim order to be a final order in accordance with section 35.

35. (1) If the Commission proposes to make a final order or to declare an interim order to be a final order, the Commission shall give notice of the proposed final order to the licensee -

Final orders for preventing contraventions.

- (a) stating that it proposes to make the final order or as the case may be, declare the interim order to be a final order;
- (b) setting out the matters referred to in sub-section (3) of section 34 in respect of the proposed final order; and
- (c) specifying the period being not less than thirty days from the date of the notice within which the licensee may show cause why the proposed order may not be made.

(2) The Commission may, after considering the reply of the licensee to the notice, pass such final order as it thinks fit.

(3) Where the Commission has made a final order, it shall, as soon as possible thereafter, serve a copy of the order on the licensee and publish the same in such manner as deemed fit.

(4) The Commission shall, as soon as practicable, after making a final order, require the licensee to do or abstain from doing such things as are specified in the order.

Power to modify or revoke final order.

36. (1) The Commission may, of its own motion within one year or on an application made to it by a licensee within six months from the date of the final order, modify or revoke the final order.

(2) The Commission shall, before making an order under sub-section (1), give a notice of not less than thirty days to the licensee to show cause as to why the final order may not be modified or revoked.

(3) The Commission may, after considering the reply of the licensee to the notice modify or revoke the final order and inform the licensee of its decision.

Enforcement of orders.

37. An order made by the Commission under section 34, 35 or 36 shall be enforced as if it were a decree of a civil court.

Power of Commission to assume management or control of undertaking of a licensee in certain cases.

38. (1) If, pending an inquiry and passing of an interim or final order under this chapter, the Commission is of the opinion that the undertaking of the licensee is being managed in a manner detrimental to maintenance of continued transmission, distribution or supply of electricity and for maintaining such continued transmission, distribution or supply of electricity in public interest it is necessary to assume forthwith the management or control of the undertaking of the licensee, the Commission may by order notified in the *Official Gazette*, authorise any person or body of persons to take over the management of the whole or part of the undertaking of the licensee and exercise in respect of the whole or any part of the undertaking of the licensee, such functions or control as may be specified in the order.

(2) Any order issued under sub-section (1) shall have effect till the interim or final order is made under section 34 or 35.

Fines and charges.

39. (1) The Commission shall be entitled to impose such fines and charges as may be specified by regulations for non-compliance or violation

on the part of the Generating Companies, licensees or other persons, of the provisions or requirements of this Act, or rules and regulations framed thereunder and licence conditions, directions or orders of the Commission made from time to time. The fines which the Commission shall be entitled to impose may extend upto two lakhs rupees for an act of non compliance or violation and a further amount not exceeding ten thousand rupees for every day during which the non compliance or violation continues.

(2) The Commission shall be entitled to direct compensation to be paid by the person guilty of violation or non-compliance as provided in sub-section (1) to the person or persons affected by such violation or non compliance.

(3) The fines, charges and compensation which may be imposed by the Commission under this section shall be in addition to and not in derogation or any other liability, which the person guilty of violation or non compliance, may have incurred.

40. (1) The District Magistrate and the District Superintendent of Police having jurisdiction in the area concerned shall so far as may be, co-operate by themselves or through their subordinates, with the Commission for carrying into effect and enforcing the provisions of this Act.

Co-operation of police.

(2) It shall be the duty of every police officer to communicate without any delay to the Commission any information which he receives of a design to commit or the commission of any offence under this Act , rule or regulation and to assist the Commission or any officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commission or in such officer or servant.

CHAPTER VIII

ADVISORY COMMITTEE, STANDARDS OF PERFORMANCE AND DISCLOSURE OF INFORMATION BY LICENSEES

41. (1) The Commission shall by notification in the *Official Gazette*, and in consultation with the State Government constitute an Advisory Committee.

Advisory Committee.

(2) (a) The Advisory Committee shall consist of not less than five and not more than fifteen members;

- (b) The constitution of the Advisory Committee shall be as follows:-
- (i) The Chairperson and members of the Commission shall be the Chairperson and members of the Committee, *ex-officio*.
 - (ii) Other members of the Committee shall be appointed by the Commission from amongst persons who are interested in the electricity industry in the State.
- (3) The Committee shall meet at least once in every three months.
- (4) The term of office of the members of the Committee shall be three years.
- (5) Subject to sub-section (3), the Committee shall meet at such times and places and observe such rules of procedure in regard to transaction of its business at its meetings as may be determined by it.
- (6) The Committee shall advise the Commission-
- (a) on questions of policy relating to electricity industry, and
 - (b) on any matter including the matter relating to quality, continuity and extent of the service of transmission, distribution or supply of electricity provided by a licensee or compliance of terms and conditions of licence by him which the Commission may refer to it for advice.

Performance of standards of supply of electricity.

42. (1) The Commission may, after consultation with the Advisory Committee, the licensees and persons likely to be affected, by an order,-
- (a) lay down-
 - (i) such standards of overall performance in connection with the transmission, distribution or supply of electricity as, in its opinion is necessary for the licensee to achieve,
 - (ii) such standards in connection with efficient use of electricity by consumers as in its opinion are necessary:

Provided that such standards, shall, so far as may be, consistent with the standards set up for the electricity industry by -

54 of 1948.

- (i) Central Electricity Authority constituted under the Electricity (Supply) Act, 1948.

63 of 1986.

- (ii) Bureau of Indian Standards established under the Bureau of Indian Standards Act, 1986,

14 of 1998.

- (iii) Central Electricity Regulatory Commission established under the Electricity Regulatory Commissions Act, 1998,

(b) specify power system operation standards and codes including grid codes and distribution and supply codes to be complied with by licensees,

(c) specify safety regulations in the use of electricity and for operation of the power system.

(2) The Commission may lay down different standards and codes for different licensees.

(3) The Commission shall publish standards, codes and regulations laid down under sub-section (1) in such form and in such manner as it thinks fit.

43. The Commission may, after consultation with the Advisory Committee, licensees supplying electricity and persons likely to be affected, specify by regulations the circumstances in which such licensees shall inform consumers of electricity of their rights in relation to supply of electricity to them and compensation to be paid by such licensees to consumers for any delay or default by such licensees in supplying electricity to the consumers.

Information on
standards of
performance.

44. (1) The Commission may from time to time collect information with respect to:-

Information with
respect to level of
performances.

(a) the fines or penalties levied on licensees under this Act;

(b) the levels of performance achieved by such licensees in connection with the transmission, distribution and supply of electricity; and

- (c) the levels of performance achieved by such licensees in connection with the efficient use of electricity by consumers.
- (2) For the purposes of sub-section (1) each licensee shall, on or before such date in each year as may be specified by the Commission in a direction issued in that behalf, furnish to the Commission the following information with respect to each standard laid down under clause (a) of sub-section (1) of section 42, namely:-
 - (a) the number of cases in which penalties are levied and the aggregate value thereof, and
 - (b) such information regarding the level of performance achieved by a licensee as required by the direction.
- (3) The Commission may at least once in every year publish in such form and in such manner as it may deem fit such of the information collected by or furnished to it under this section as deemed fit.

Restriction on disclosure of information.

45. (1) Subject to the provisions of this Act, no information relating to business of generation, transmission or distribution and supply of electricity carried on by any person shall be disclosed by the Commission without the consent of the person so long as the business is carried on if such information-
- (a) is obtained by the Commission by or under this Act, and
 - (b) is confidential in nature.
- (2) The restriction imposed by sub-section (1) shall not apply to the disclosure of such information-
- (a) in any suit, prosecution or other legal proceeding,
 - (b) for the purposes of the State,
 - (c) before any authority established by law, or
 - (d) in public interest, or
 - (e) in the annual report referred to in section 48.

CHAPTER IX

ACCOUNTS, AUDIT AND REPORTS

46. The Commission shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Commission and forward the same to the State Government.

Budget of
Commission.

47. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of
Commission.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

48. (1) The Commission shall prepare once every year in such form and at such time as may be prescribed, an annual report including a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government.

Annual report of
Commission.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before the State Legislature.

CHAPTER X.

ARBITRATION AND APPEALS

Arbitration by Commission.

49. (1) (a) Notwithstanding anything contained in the Arbitration and Conciliation Act, 1996, any dispute arising between licensees shall be referred to the Commission. **26 of 1996.**
- (b) The Commission may proceed to act as an arbitrator or nominate an arbitrator or arbitrators to adjudicate and settle such dispute.
- (c) The practice and procedure to be followed in connection with any adjudication and settlement under this section shall be such as may be specified by the Commission by regulations.
- (2) Where an award is made by the arbitrator appointed by the Commission, it shall be filed before the Commission and the Commission shall be entitled to pass such order as deemed fit including an order-
- (a) confirming and enforcing the award;
 - (b) setting aside or modifying the award; or
 - (c) remitting the award to the arbitrator for reconsideration.
- (3) An award made by the Commission under sub-section (1) or an order passed by the Commission under sub-section (2) shall be deemed to be a decision or order of the Commission.
- (4) An award made by the Commission under sub-section (1) or an order passed by the Commission under sub-section (2) shall be enforceable as if it were a decree of a civil court.
- (5) The Commission may make such interim orders as the Commission considers appropriate at any time during the pendency of the proceedings under this section.

Appeals against the orders of the Commission.

50. (1) Any person aggrieved by any decision or order of the Commission passed under this Act may file an appeal to the High Court, on question of law arising out of such decision or order.

(2) Subject to the provisions of sub-section (4), no appeal shall be entertained unless it is filed within sixty days from the date of decision or order appealed against.

(3) The High Court may admit an appeal after the period of limitation specified in sub-section (2), if the appellant satisfies the High Court that he had sufficient cause for not filing appeal within such period.

36 of 1963.

(4) In computing the period of limitation the provisions of sections 4 and 12 of the Limitation Act, 1963 shall so far as may be, apply.

34 of 1959.

(5) Notwithstanding anything contained in the Bombay Court Fees Act, 1959, an appeal under this section shall bear a court fee stamp of such value as may be prescribed.

51. Every order passed under this Act or the rules or regulations made thereunder by the Commission or by any officer appointed by it, shall subject to appeal under section 50, be final and shall not be called in question in any civil court.

Finality of
decision of
Commission.

Explanation.- For the purposes of sections 51 and 52, the civil court means the courts subordinate to the High Court.

52. Save as otherwise provided in this Act no Civil Court shall have jurisdiction to deal with or decide any question which the Commission or any officer appointed by it is empowered to deal with or decide by or under this Act.

Bar of
jurisdiction of
civil court.

CHAPTER XI

OFFENCES AND PENALTIES

53. Whoever carries on business of transmitting, distributing or supplying electricity in the State in contravention of sub-section (1) of section 19 shall on conviction be punishable with imprisonment which may extend to six months or with fine not exceeding five lakhs rupees or with both and in the case of a continuing offence with an additional fine not exceeding twenty thousand rupees for every day after the first, during which the offence continues.

Penalty for
contravention of
section 19.

54. Where a licensee or any other person fails without reasonable excuse, to comply with any order, direction or requisition lawfully made or

General penalty

given under any provision of this Act or any rule or regulation made thereunder, he shall on conviction be punishable with imprisonment which may extend to three months or with fine not exceeding two lakh rupees or with both and in the case of a continuing offence with an additional fine not exceeding ten thousand rupees for every day after the first, during which the offence continues.

Offences by companies.

55. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purpose of this section-

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

Cognisance of offences.

56. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under sections 53 and 54 shall be cognisable by the Metropolitan Magistrate or the Magistrate of the First Class and no such Magistrate shall take cognisance of the offence except on a complaint in writing made by an officer of the Commission generally or specially authorised in this behalf by it;

(2) Notwithstanding anything contained in section 200 of the said Code, it shall not be necessary in respect of the offences referred to in

sub-section (1), to examine the authorised officer of the Commission when the complaint is presented in writing.

57. (1) The Commission may, either before or after the institution of proceedings, for any offence punishable under section 53 or 54 accept from any person charged with such offence by way of composition of the offence a sum not exceeding

Compounding of offences.

(i) five lakh rupees, where the offence charged is under section 53, and

(ii) two lakh rupees, where the offence charged is under section 54.

(2) On payment of such sum as determined by the Commission under sub-section (1), the accused person if in custody shall be set at liberty and if proceedings shall have been instituted against the accused in any criminal court, the composition shall be held to amount to an acquittal and no further proceedings shall be taken against the accused person in respect of that offence.

CHAPTER XII

MISCELLANEOUS

58. The fees, fines, charges and such other sums due to the Commission under this Act shall be recoverable as arrears of land revenue.

Recovery of fees, fines, charges, etc.

59. The Commission or the Court imposing fine under this Act may direct that the whole or any part thereof shall be applied towards payment of the costs of the proceedings.

Application of fine.

60. All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

Proceedings before Commission.

**Members, officers
and servants of
the Commission
and members of
Selection
Committee to be
public servants.**

61. All members and officers and employees of the Commission and members of Selection Committee and the search committee shall when acting or purporting to act in pursuance of the provisions of this Act or any rule or regulation made thereunder, be deemed to be a public servant within the meaning of section 21 of Indian Penal Code.

XLV of 1860

**Protection of
action taken in
good faith.**

62. No suit, prosecution or other legal proceedings shall lie against the Commission or Selection Committee or the search committee, any member, officer or employee of the Commission or Selection Committee for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or rules or regulations made thereunder.

**Power of the
State Government
to give directions.**

63. The State Government may give directions not inconsistent with the provisions of this Act to the Commission on matters of policy and of public interest including the matters relating to planning and co-ordination of the development of the electricity industry and the Commission shall comply with such directions:

Provided that the State Government shall not give any directions to the Commission in respect of fixation of tariff.

**Power of State
Government to
make rules.**

64. (1) The State Government may, by notification in the *Official Gazette* make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the salaries and allowances payable to and other conditions of service of members of Commission under sub-section (4);
- (b) the form and manner in which and the authority before whom the oath of office and secrecy shall be subscribed by the Chairperson and members under section 8;
- (c) the period of notice of resignation to be given in writing under sub-section (3) of section 10;

- (d) the form of application for grant of sanction to engage in the business or activity of transmission, distribution or supply of electricity and the fees to be paid therefor under section 27;
- (e) the form and manner in which the information relating to establishment, acquisition, extension, or replacement of a generating station is to be furnished to the State Government under section 31;
- (f) the form in which and the time at which the Commission shall prepare its budget under section 46 ;
- (g) the form in which annual statement of accounts shall be prepared by the Commission under sub-section (1) of section 47;
- (h) the form in which and the time at which the Commission shall prepare the annual report under sub-section (1) of section 48;
- (i) the value of court fee stamp which an appeal shall bear under sub-section (5) of section 50;
- (j) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

65. (1) The Commission may by notification in the *Official Gazette*, make regulations not inconsistent with the Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

**Power of
Commission to
make regulations.**

(2) In particular, and without prejudice to the generality of the foregoing provision such regulations may provide for all or any of the following matters, namely:-

- (a) the rules of procedure to be followed by the Commission in regard to the transaction of its business at meetings under sub-section (1) of section 12;
- (b) the manner of recruitment of, the salary and allowances payable to and other conditions of service of the Secretary, officers and other employees of the Commission, under sub-section (2) of section 13;
- (c) the terms and conditions on which consultants may be appointed under section 14;
- (d) any other matter in respect of which the Commission shall have the powers of a civil court;
- (e) the form of application for grant of a licence and fees to be paid therefor, under sub-section (1) of section 20;
- (f) the time within which, the manner in which and the particulars with which the notice of the application shall be published under sub-clause (ii) of clause (a) of sub-section (2) of section 20 and the period not less than a month before the expiration of which objections if any, received are to be considered under proviso to sub-clause (i) of clause (b) of sub-section (2) of section 20;
- (g) the conditions to be included in a licence under clause (b) of sub-section (3) of section 20;
- (h) functions and obligations of the Board under the Electricity Act, 1910 and the Electricity (Supply) Act, 1948 to be undertaken by a licensee, under sub-clause (iv) of clause (b) of sub-section (3) of section 20; 9 of 1910.
54 of 1948.
- (i) the manner in which and particulars with which notice of application proposing an amendment in the licence is to be published under clause (a) of sub-section (2) of section 22;
- (j) the manner in which and particulars with which proposed amendments in licence otherwise than on application are to be published under sub-section (3) of section 22;
- (k) governing the power purchase and procurement process under clause (b) of sub-section (3) of section 25;

- (l) the conditions subject to the compliance of which exemption to any person from the requirement of a licence shall be granted under sub-section (1) of section 26 and the guidelines under sub-section (3) of the said section 26 having regard to which exemption shall be granted;
 - (m) terms and conditions for fixation of tariff to be charged by the licensee under sub-section (2) of section 32;
 - (n) the time at which and the manner in which the licensee shall provide the Commission the information under sub-section (6) of section 32.
 - (o) imposition of fines and charges under sub-section (1) of section 39;
 - (p) the circumstances in which licensees shall inform consumers of electricity of their rights in relation to supply of electricity and compensation to be paid for delay or default in supplying electricity to consumers on the part of the licensees under section 43; and
 - (q) the practice and procedure to be followed in connection with adjudication and settlement under clause (c) of sub-section (1) of section 49.
- (3) In making regulations under this section, the Commission may direct that a breach thereof shall be punishable with fine not exceeding five lakhs rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for first breach.
- (4) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made.
66. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the *Official Gazette*, make such provision, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:
- Power to remove difficulties.
- Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

Amendment of
IX of 1910.

67. In the Indian Electricity Act, 1910 in its application to the State of Gujarat, in section 36, after sub-section (2), the following sub-section shall be added, namely:-

“(3) Notwithstanding anything to the contrary contained in sub-section (2) or any other provision of this Act, an appeal shall lie from the decision of the electrical inspector appointed by the State Government to the Gujarat Electricity Regulatory Commission referred to in section 3 of the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003.”

Guj. 24 of 2003.

Amendment of
54 of 1948.

68. In the Electricity (Supply) Act, 1948 in its application to the State of Gujarat-

(1) in section 5-

(a) for sub-section (2), the following shall be substituted, namely:-

“(2) The Board shall consist of such number of members not less than three but not more than ten as the State Government may, from time to time by notification in the *Official Gazette*, specify.”;

(b) for sub-section (5), the following sub-section shall be substituted, namely:-

“(5) The State Government may, from time to time, by notification in the *Official Gazette*, designate the members of the Board as Chairman, Vice-Chairman, Chief Executive Officer and full time members and prescribe the functions to be discharged by such members.”;

(2) in section 44-

(a) for the word “Board” wherever it occurs, the word “Commission” shall be substituted;

(b) after sub-section (2A), the following sub-section shall be inserted, namely:-

"(2B) Where the Commission is of the opinion that the grant of consent under sub-section (1) is likely to adversely affect the operation of the Power System or development of electricity industry in the State or is not in public interest, it may refuse to give consent."

CHAPTER XIII

EFFECT ON EXISTING CENTRAL LEGISLATION

9 of 1910.
54 of 1948.

Effect of Act on
IX of 1910 and 54
of 1948.

69. (1) The provisions of this Act shall have effect notwithstanding that the same are inconsistent with the provisions of the Indian Electricity Act, 1910 and the Electricity (Supply), Act, 1948, in their application to the State of Gujarat which continue to apply after the commencement of this Act.
- (2) Notwithstanding anything contained in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, in their application to the State of Gujarat, the Board and the State Government shall cease to exercise such powers and perform such functions to regulate the electricity industry in the State, which have been conferred or imposed on the Commission under this Act.
- (3) (a) In respect of matters provided in sections 3 to 11, 27D and 28 of the Indian Electricity Act, 1910, in its application to the State of Gujarat (hereinafter in this sub-section referred to as "the said Central Act") to the extent this Act has made specific provisions, the said provisions of the said Central Act shall cease to apply in the State.
- (b) Notwithstanding that the provisions of the said Central Act referred to in sub-clause (a) have ceased to apply, anything done or any action taken under the provisions which have so ceased to apply, shall be deemed to have been done or taken under the corresponding provisions of this Act and accordingly a licence granted under the ceased section 3 of the said Central Act and subsisting on the date of commencement of this Act shall be deemed to be a licence granted under section 20 of this Act and shall be valid until substituted, suspended or revoked under the provisions of this Act and a sanction given under ceased section 28 of the said Central Act shall be deemed to be a sanction granted under section 26 of this Act and shall be valid until the expiry of its period.

9 of 1910.

9 of 1910.
54 of 1948.

(c) Any reference to a "licence" or "transmission licence" in the said Central Act shall be construed as a reference to a licence granted or deemed to have been granted under this Act and a reference to "licensee" or "licence holder", or "transmission licensee" or "transmission licence holder" in the said Central Act shall be construed accordingly.

54 of 1948.

- (4) (a) In respect of matters provided in sections 43A, 45 to 47, 50, 52, 56 to 59 of the Electricity (Supply) Act, 1948, in its application to the State of Gujarat (hereinafter in this sub-section referred to as "the said Central Act") to the extent this Act has made specific provisions, the said provisions of the said Central Act shall cease to apply in the State.
- (b) Notwithstanding that the provisions of the said Central Act referred to in sub-clause (a) have ceased to apply, anything done or any action taken under the provisions which have ceased to apply, shall be deemed to have been done or taken under the corresponding provisions of this Act.
- (c) Any reference to a "licence" or "transmission licence" in the said Central Act shall be construed as a reference to a licence granted or deemed to have been granted under this Act and a reference to "licensee" or "licence holder", or "transmission licensee" or "transmission licence holder" in the said Central Act shall be construed accordingly.

Effect of the
Act on 14 of
1998.

70. (1) The provisions of Chapters IV and V and sections 29, 30, 33, 34, 36, 39, 57, 58 and 59 of the Electricity Regulatory Commissions Act, 1998 shall cease to apply in the State (hereinafter referred to as "the ceased provisions") and on such cesser, the following consequences shall ensue, namely:-

- (i) the Commission established under the ceased provisions and functioning immediately before the date of commencement of this Act (hereinafter called "the said Commission") shall be deemed to be the Commission established under sub-section (1) of section 3,
- (ii) the Chairperson and members of the said Commission holding office immediately before the said date shall respectively be the Chairperson and the members of the Commission,

14 of 1998.

- (iii) the Chairperson and the members shall hold office as such Chairperson and members for the period for which they would have held office under the said Act, subject however to the provisions relating to disqualification, resignation, removal and vacancy provided in this Act,
- (iv) all properties, moveable and immovable and assets vesting in the said Commission shall stand transferred to and vest in the Commission,
- (v) all rights, liabilities and obligations of the said Commission (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the Commission,
- (vi) all sums due to the said Commission shall be recoverable by the Commission, and for the purpose of such recovery, the Commission shall be competent to take such measures which were competent for the said Commission to take subject to all limitations, conditions and rights or interests of any person subsisting immediately before the said date,
- (vii) all contracts made with and all instruments executed on behalf of the said Commission shall be deemed to have been made with or by or on behalf of the Commission and shall have effect accordingly,
- (viii) all proceedings and matters pending before the said Commission or any authority of the said Commission under the ceased provisions immediately before the said date shall be deemed to be transferred to the Commission or to such authority as the Commission may direct,
- (ix) in all suits and legal proceedings pending on the said date in or to which the said Commission was a party, the Commission shall be deemed to be substituted therefor,
- (x) all officers and employees of the said Commission shall be the officers and employees of the Commission,
- (xi) any reference to the said Commission in any instrument shall unless a different intention appears be construed as a reference to the Commission.

(2) Notwithstanding the cessation of the provisions of the said Act referred to in sub-section (1) but subject to the consequences referred to in the said sub-section (1), anything done or any action taken under the ceased provisions shall be deemed to have been done or taken under the corresponding provisions of this Act.

Application of section 7 of Bom. I of 1904.

71. Without prejudice to the provisions contained in clause (b) of sub-section (3) of section 69, clause (b) of sub-section (4) of that section and sub-sections (1) and (2) of section 70 but subject to consequences referred to in sub-section (2) of section 70, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the cessation provided in clause (a) of sub-section (3) of section 69, clause (a) of sub-section (4) of that section and sub-section (1) of section 70 as if such cessation were repeal.

Bom. I of 1904.

Saving.

72. (1) Notwithstanding anything contained in this Act, the powers, rights and functions of Regional Electricity Board, the Central Electricity Authority, the Central Government and Authorities, other than the State Electricity Board and the State Government under the Indian Electricity Act, 1910 or the Electricity (Supply) Act, 1948 or rules framed thereunder shall remain unaffected and shall continue to be in force.

9 of 1910,
54 of 1948.

(2) Nothing contained in this Act will apply to the Power Grid Corporation, or other bodies or licensees in relation to the inter-State transmission of the electricity or Generation Companies owned or controlled by Central Government or undertaking owned by the Central Government in relation to the generation and sale of electricity to licensees and other persons authorized to engage in the transmission, distribution or supply of electricity in the State.

(3) All decisions and orders of the State Commission made prior to the commencement of this Act shall be valid and binding.

Government Central Press, Gandhinagar.

(C)



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PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

EDUCATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 26th June, 2003.

GUJARAT ORDINANCE NO. 2 OF 2003.

AN ORDINANCE

further to amend the Acts relating to certain Universities in the State.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Acts relating to certain Universities;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

1. Short title and commencement.-- (1) This Ordinance may be called the Gujarat Universities Laws (Amendment) Ordinance, 2003.

(2) It shall come into force at once.

2. Acts relating to certain Universities to be temporarily amended.-- During the period of operation of this Ordinance, each of the Acts specified in the second column of the Schedule shall have effect subject to the amendments specified against it in the third column thereof.

3. Amendment of Acts relating to certain Universities in the State.-- Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

SCHEDULE

Sr. No.	Short title	Extent of Amendment.
1	2	3
1.	The Gujarat University Act, 1949 (Bom. L of 1949).	<p>(1) After section 8, the following new section shall be inserted, namely:-</p> <p>Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.</p> <p>"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-</p> <ul style="list-style-type: none"> (i) on the post of officers referred to in clauses (iv), (v), (v-a) and (vi) of section 8; (ii) on the post of teacher; or (iii) as a member of any of the authorities of the University, any committee or any other body thereof <p>after he attains the age of 62 years:</p>

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years.".

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-Officio members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

2. The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act XVII of 1949).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Visitor, Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such

3. The Sardar Patel University Act, 1955 (Bom. XL of 1955).
Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

or, as the case may be, to be a member after attaining the age of 62 years.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, under the heading "*I Ex-Officio fellows*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

4. The South Gujarat University Act, 1965 (Guj. 38 of 1965).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

(1) After section 8, the following new section shall be inserted, namely:-

"**8A.** (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-Officio Members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

5. The Saurashtra University Act, 1965
(Guj. 39 of 1965).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-officio members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

6. The Bhavnagar
University Act,
1978
(Guj. 26 of 1978).

Eligibility of
age limit for
appointment,
nomination, co-
option in
various
authorities and
on various
offices.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii)

7. The
Hemchandracharya
North Gujarat
University Act,
1986
(Guj. 22 of 1986).

**Eligibility of
age limit for
appointment,
nomination, co-
option in
various
authorities and
on various
offices.**

of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, in sub-section (1), under the heading "CLASS-I EX-OFFICIO MEMBERS", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,"

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

(i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;

(ii) on the post of teacher; or

(iii) as a member of any of the authorities of the University,

any committee
or any other
body thereof

after he attains the age of 62
years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years".

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-Officio Members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

STATEMENT

In fulfillment of the Constitutional responsibility for maintenance of standards in higher education, the Central Government and the University Grants Commission have taken from time to time several measures relating to the revision of pay-scales, minimum qualification for appointment of college and University teachers in order to attract and retain talent in the teaching profession.

2. As per directions of the University Grants Commission in this regard, the age limit of superannuation of a college and University teacher has been fixed at 62 years and the University Grants Commission has also directed that no retired teacher be appointed on any statutory or even non-statutory position in colleges and University. This view also holds good for the members who are nominated, appointed or co-opted on various authorities, court, council, committee, board or body etc.
3. Most of the Vice-Chancellors also hold strong view that no person who is more than 62 years of age be considered eligible to hold any office or post or membership in any University authority court, council, board, committee or body etc. which effectively close the doors to fresh talent from contributing to the functioning of the University.
4. Since no University Act provides that no person who has attained the age of 62 years shall be eligible for being appointed, nominated or co-opted, or continue on various statutory and non-statutory bodies, it is considered necessary to amend the certain University Acts so as to bring them in conformity with the directions of University Grants Commission and to have talented young persons on various offices and posts.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend certain Acts relating to Universities in the State to achieve the aforesaid object.

Gandhinagar,
Dated the 26th June, 2003.

KAILASH PATI MISHRA
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

DR. VARESH SINHA,
Principal Secretary to Government.

Government Central Press, Gandhinagar.

(C)

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PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

HOME DEPARTMENT

Sachivalaya, Gandhinagar, dated the 16th August, 2003.

GUJARAT ORDINANCE NO. 3 OF 2003.***AN ORDINANCE***

further to amend the Code of Criminal Procedure, 1973 in its application to the State of Gujarat.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

2 of 1974.
AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Code of Criminal Procedure, 1973 in its application to the State of Gujarat;

AND WHEREAS instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. ***Short title and commencement.***— (1) This Ordinance may be called the Code of Criminal Procedure (Gujarat Amendment) Ordinance, 2003.

(2) It shall come into force at once.

2 of 1974.

2. ***Act 2 of 1974 to be temporarily amended.*** — During the period of operation of this Ordinance, the Code of Criminal Procedure, 1973 (hereinafter referred to as “the principal Act”) in its application to the State of Gujarat, shall have effect subject to the amendments specified in section 3.

3. ***Amendment of section 167 of Act 2 of 1974.*** — In the principal Act, in section 167, in sub-section (2) -

(1) in the proviso, for paragraph (b), the following paragraph shall be substituted, namely:-

“(b) no Magistrate shall authorise further detention in any custody under this section unless-

- (i) where the accused is in the custody of police, he is produced in person before the Magistrate, and
- (ii) where the accused is otherwise than in the custody of the police, he is produced before the Magistrate either in person or through the medium of electronic video linkage, in accordance with the direction of the Magistrate.”;

(2) in Explanation II, after the words “where an accused person was produced before the Magistrate”, the words “in person or, as the case may be, through the medium of electronic video linkage” shall be inserted.

STATEMENT

The existing paragraph (b) of the proviso to sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 in its application to the State of Gujarat prohibits a Magistrate from authorizing detention in any custody under the said section 167 unless the accused is produced before him. This provision entails the carriage of an accused from the custody in which he is kept to the court. Such carriage involves employment of police for the escort of the accused and expenditure to the State Exchequer for his carriage. Apart from such employment and expenditure, such carriage also involves the risk, of escape of the accused from the custody of the police or to the life of the accused. In order to restrict such employment, expenditure and risk to the minimum, it is considered necessary to provide for the production of an accused before the Magistrate either in person or through the medium of electronic video linkage in accordance with the direction of the Magistrate, where the accused is otherwise than in the custody of the police.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Code to achieve the aforesaid object.

Gandhinagar,
Dated the 16th August, 2003.

KAILASH PATI MISHRA,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

H. V. PATEL,
Secretary to Government.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 25 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Acts relating to certain Universities in the State.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

- | | |
|--|---------------------------------|
| <p>1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 2003.</p> <p>(2) It shall be deemed to have come into force on the 26th June, 2003.</p> | Short title and
commencement |
|--|---------------------------------|

Amendment of Acts
relating to certain
Universities in the
State.

2. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

SCHEDULE

Sr. No.	Short title	Extent of Amendment.
		3

1. The Gujarat
University Act,
1949
(Bom. L of 1949).

Eligibility of
age limit for
appointment,
nomination, co-
option in
various
authorities and
on various
offices.

(1) After section 8, the following
new section shall be inserted,
namely:-

"8A. (1) Notwithstanding
anything contained in this Act,
Statutes, Ordinances,
Regulations and Rules, no
person shall be appointed,
nominated or, as the case may be,
co-opted,-

(i) on the post of officers
referred to in clauses
(iv), (v), (v-a) and (vi)
of section 8;

(ii) on the post of teacher;
or

(iii) as a member of any of
the authorities of the
University, any
committee or any
other body thereof

after he attains the age of 62
years:

Provided that nothing in
this section shall apply to the
Chairman or a member of any of
the authorities of the University,
committee or any other body
thereof, who holds the
Chairmanship or membership by
virtue of his office as a

Sr. No.	Short title	Extent of Amendment.
1	2	3
		Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.
		(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."
		(2) In section 16, in sub-section (1), under the heading " <i>Class I Ex-Officio members</i> ", in paragraph (A), for clause (iii), the following shall be substituted, namely:-
		"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".
2.	The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act XVII of 1949).	After section 8, the following new section shall be inserted, namely:-
	Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.	"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-
		(i) on the post of officers referred to in clauses (v), (vi) and (vii) of section 8;

Sr. No.	Short title	Extent of Amendment.
1	2	3

(ii) on the post of teacher; or
 (iii) as a member of any of the authorities of the University, any committee or any other body thereof after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Visitor, Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(1) After section 8, the following new section shall be inserted, namely:-

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

3. The Sardar Patel University Act, 1955

(Bom. XL of 1955).

Sr. No.	Short title	Extent of Amendment.
1	2	3

- (i) - on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, under the heading "*I Ex-Officio fellows*",

Sr. No.	Short title	Extent of Amendment.
1	2	3

4. The South Gujarat University Act, 1965
(Guj. 38 of 1965).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii)

Sr. No.	Short title	Extent of Amendment.
1	2	3

5. The Saurashtra University Act, 1965
(Guj. 39 of 1965).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-Officio Members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof after he attains the age of 62 years:

Provided that nothing in this section shall apply to the

Sr. No.	Short title	Extent of Amendment.
1	2	3

Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 16, in sub-section (1), under the heading "*Class I Ex-officio members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,"

(1) After section 8, the following new section shall be inserted, namely:-

6. The Bhavnagar
University Act,
1978
(Guj. 26 of 1978).

Eligibility of age limit for appointment, nomination, co-option in various authorities and on various offices.

"8A. (1) Notwithstanding anything contained in this Act, Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

Sr. No.	Short title	Extent of Amendment.
1	2	3

- (i) on the post of officers referred to in clauses (iii), (iv) and (v) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years."

(2) In section 15, in sub-section (1), under the heading "CLASS-I EX-OFFICIO MEMBERS",

Sr. No.	Short title	Extent of Amendment.
1	2	3

in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State,".

7. The
Hemchandracharya
North Gujarat
University Act,
1986
(Guj. 22 of 1986).

Eligibility of
age limit for
appointment,
nomination, co-
option in
various
authorities and
on various
offices.

(1) After section 8, the following new section shall be inserted, namely:-

"8A. (1) Notwithstanding anything contained in this Act , Statutes, Ordinances, Regulations and Rules, no person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) on the post of officers referred to in clauses (iv), (v), (vi) and (vii) of section 8;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other body thereof

after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairman or a member of any of the authorities of the University, committee or any other body thereof, who holds the Chairmanship or membership by virtue of his office as a Chancellor, Vice-Chancellor or, as the case may be, the Pro-Vice-Chancellor.

Sr. No.	Short title	Extent of Amendment.
1	2	3

(2) Any person who has been appointed on the posts referred to in clauses (i) and (ii) of sub-section (1) or nominated or co-opted as a member of any of the authorities of the University, any committee or any other body thereof, shall cease to hold his office as such or, as the case may be, to be a member after attaining the age of 62 years.".

(2) In section 16, in subsection (1), under the heading "*Class I Ex-Officio Members*", in paragraph (A), for clause (iii), the following shall be substituted, namely:-

"(iii) The last Ex-Vice-Chancellor of the University residing in the State.",

Guj. Ord.
3 of 2003

3. (1) The Gujarat Universities Laws (Amendment) Ordinance, 2003 is hereby repealed.

Repeal and sayings.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts specified in the second column of the Schedule as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act.

Government Central Press, Gandhinagar.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature; having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 26 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Gujarat Lokayukta Act, 1986.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

Guj. 31
of 1986.

1. This Act may be called the Gujarat Lokayukta (Amendment) Act, 2003. Short title.

2. In the Gujarat Lokayukta Act, 1986 (hereinafter referred to as "the principal Act"), in section 2, in clause (7), -

Amendment of
section 2 of Guj.
31 of 1986.

(i) in sub-clause (b), after the words "the Vice-Chairman" occurring at two places, the words "or a non-official director or a non-official member" shall be inserted;

(ii) for sub-clause (c), the following shall be substituted, namely :-

"(c) the Chairman or the Vice-Chairman or a non-official director or a non-official member of a Corporation or Board established by or under the Bombay Act or the Gujarat Act or by the State Government and owned or controlled by the State Government;".

Amendment of
section 24 of Guj.
31 of 1986.

3. In the principal Act, in section 24, for the words and figures "the Prevention of Corruption Act, 1947", the words and figures "the Prevention of Corruption Act, 1988" shall be substituted.

2 of 1947.
49 of 1988.

Government Central Press, Gandhinagar.

(C)



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and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 27 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Bombay Prohibition Act, 1949.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

- | | |
|--|--------------------------------------|
| <p>1. (1) This Act may be called the Bombay Prohibition (Gujarat Second Amendment) Act, 2003.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> | Short title and commencement. |
|--|--------------------------------------|

Amendment
of section 2 of
Bom. XXV of
1949.

Bom.XXV of
1949.

2. In the Bombay Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), in section 2, in clause (39A), the following shall be inserted at the end, namely :-

"and shall include on chemical analysis, if it contains -

- (i) total sugar (expressed as invert sugar) less than 90 per cent. and sucrose less than 60 per cent., or
- (ii) extraneous matter insoluble in water more than 2 per cent., or
- (iii) total ash more than 6 per cent., or
- (iv) ash insoluble in by hydrochloric acid (HCL) more than 0.5 per cent., or
- (v) more than 10 per cent. of moisture, or
- (vi) sulphur dioxide in concentration exceeding 70 parts per million;"

Amendment
of section 29
of Bom. XXV
of 1949.

3. In the principal Act, in section 29, for the words "mhowra flowers or molasses" occurring at two places, the words "mhowra flowers, molasses, rotten gur or ammonium chloride," shall be substituted.

Government Central Press, Gandhinagar.

(C)



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PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 28 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Gujarat Scheduled Castes Development Corporation Act, 1985 and the Gujarat Backward Classes Development Corporation Act, 1985.

It is hereby enacted in the Fifty-fourth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Development Corporations Laws (Amendment) Act, 2003. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in *Official Gazette*, appoint.

Amendment of
section 5 of Guj.
10 of 1985.

2. In the Gujarat Scheduled Castes Development Corporation Act, 1985, in section 5, to sub-section (1), after the second proviso, the following proviso shall be added, namely :-

Guj. 10 of
1985.

"Provided also that the State Government shall nominate at least one woman as non-official member."

Amendment of
section 6 of
Guj. 11 of
1985.

3. In the Gujarat Backward Classes Development Corporation Act, 1985, in section 6, to sub-section (1), after the second proviso, the following proviso shall be added, namely :-

Guj. 11 of
1985.

"Provided also that the State Government shall nominate at least one woman as non-official member."

Government Central Press, Gandhinagar.

(C)



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 29 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 17th September, 2003).

AN ACT

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

- | | |
|--|---|
| <p>1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2003.</p> <p>(2) It shall come into force on such date as the State Government may by notification in the <i>Official Gazette</i>, appoint.</p> <p>2. In the Gujarat Sales Tax Act, 1969, in Schedule II, in Part A, in the entry at serial No. 33, in columns 3 and 4, for the words "Eight paise in the rupee", the words "Twenty-five paise in the rupee" shall be substituted.</p> | <p>Short title and commencement.</p> <p>Amendment of Schedule II, Part A of Guj. I of 1970.</p> |
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may be filed as a Separate Compilation.

PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 18th September, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 30 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 19th September, 2003).

AN ACT

further to amend the Gujarat Ayurved University Act, 1965.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:—

- | | |
|--|--|
| <p>1. (1) This Act may be called the Gujarat Ayurved University (Amendment) Act, 2003.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> <p>2. In the Gujarat Ayurved University Act, 1965 (hereinafter referred to as "the principal Act"), in section 2,—</p> <p>(1) after clause (6), the following clause shall be inserted, namely:—</p> | <p>Short title and commencement.</p> <p>Amendment of section 2 of Guj. 40 of 1965.</p> |
|--|--|

"(6A) "Department of Board of Post-Graduate Teaching and Research" means any post-graduate or research institution or department maintained by the Board;";

(2) for clause (12), the following clause shall be substituted, namely:—

"(12) "Statutes", "Ordinances", "Regulations" and "Rules" mean respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;";

(3) for clause (18), the following clause shall be substituted, namely:—

"(18) "University department" means any institution or department maintained as such by the University other than the Department of Board of Post-Graduate Teaching and Research.".

**Amendment of
section 3 of Guj.
40 of 1965.**

3. In the principal Act, in section 3, in sub-section (1), for the words "the Senate and the Syndicate of the University", the words "the Senate, the Syndicate and the Department of Board of Post-Graduate Teaching and Research of the University" shall be substituted.

**Amendment of
section 4 of Guj.
40 of 1965.**

4. In the principal Act, in section 4,—

(1) in clause (10),—

(a) in sub-clause (a), for the words "Statutes, Ordinances and Rules", the words "Statutes, Ordinances, Regulations and Rules" shall be substituted;

(b) in sub-clause (b), for the words "Ordinances or Rules", the words "Ordinances, Regulations or Rules" shall be substituted;

(2) in clause (12), for the words "Statutes, Ordinances and Rules", the words "Statutes, Ordinances, Regulations and Rules" shall be substituted.

**Amendment of
section 8 of Guj.
40 of 1965.**

5. In the principal Act, in section 8, after item (iii), the following item shall be inserted, namely:—

"(iiiia) The Director of the Department of Board of Post-Graduate Teaching and Research;".

**Amendment of
section 10 of
Guj.40 of 1965.**

6. In the principal Act, in section 10,—

(1) for sub-section (1), the following shall be substituted, namely :—

"(1) The Vice-Chancellor shall be appointed by the State Government from amongst three persons recommended under sub-section (1B) by a committee appointed for the purpose under sub-section (1A).";

(2) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) (a) For the purpose of sub-section (1), the Chancellor shall appoint a Committee which shall consist of the following members, namely:—

(i) two members (not being persons connected with the University or with any affiliated college, recognised institution or approved institution), out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Syndicate and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Universities established by law in the State of Gujarat;

(ii) one member to be nominated by the Chancellor:

Provided that in any case where for any reason whatsoever a person is not nominated under sub-clause (i) by the Syndicate or by the Vice-Chancellors, it shall be lawful for the Chancellor to nominate a person to be a member of the Committee in any such case.

(b) The Chancellor shall appoint one of the three members of the Committee as the Chairman.

(1B) The Committee so appointed shall, within such time and in such manner as may be prescribed by Statutes, select three persons whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected arranged in an alphabetical order together with such other particulars as may be prescribed by the Statutes.";

(3) in sub-section (3), for the words "shall be such as may be prescribed by the Statutes", the words "shall be such as may be determined by the State Government" shall be substituted.

7. In the principal Act, in section 11.—

(1) in sub-section (1), after the words "of the Syndicate", the words "of the Board of Post-Graduate Teaching and Research," shall be inserted;

Amendment of
section 11 of
Guj. 40 of
1965.

(2) in sub-section (3), for the words "the Statutes, Ordinances and rules", the words "the Statutes, Ordinances, Regulations and Rules" shall be substituted;

(3) in sub-section (5), for the words "the Statutes and Ordinances", the words "the Statutes, Ordinances and Regulations" shall be substituted;

(4) after sub-section (5), the following sub-section shall be inserted, namely:—

"(5A) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5) where the Vice-Chancellor after making such inquiry as he deems fit is of the opinion that the execution of any order or resolution of an authority specified in or declared under section 14, or the doing of anything which is about to be done or is being done by or on behalf of the University—

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or Rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him, or the doing of the thing be refrained from.

(b) Where the authority after consideration revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (e) such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the State Government for its decision.

(d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against the order or the resolution.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).";
- (5) in sub-section (6), for the words "Statutes and Ordinances", the words "Statutes, Ordinances and Regulations" shall be substituted.

8. In the principal Act, in section 12, after the words "the Secretary of the Syndicate", the words "and of the Board of Post-Graduate Teaching and Research" shall be added.

Amendment
of section 12
of Guj. 40 of
1965.

9. In the principal Act, after section 12, the following section shall be inserted, namely:-

Insertion
of new
section
12A in
Guj. 40 of
1965.

"Director of the
Board of Post-
Graduate Teaching
and Research."

12A. The Director of the Board of Post-Graduate Teaching and Research shall be a whole time salaried officer. He shall be appointed by the Board of Post-Graduate Teaching and Research in accordance with the Regulations and his emoluments and conditions of service shall be determined by such Regulations. He shall exercise such powers and perform such duties as may be prescribed by the Statutes and Regulations.".

10. In the principal Act, in section 14, after clause (ii), the following clause shall be inserted, namely:-

Amendment of
section 14 of
Guj. 40 of 1965.

"(iia) The Board of Post-Graduate Teaching and Research.".

11. In the principal Act, in section 15, in sub-section (1), --

Amendment of
section 15 of
Guj. 40 of 1965.

(I) under the heading "Class-I Ex-Officio Members",--

(a) in paragraph (A), after item (iii), the following item shall be inserted, namely:-

"(iiia) The Director of the Board of Post-Graduate Teaching and Research,";

(b) in paragraph (B), after item (iii), the following item shall be added, namely:-

"(iv) The Adviser, Ayurved, Ministry of Health and Family Welfare, Government of India.";

(2) under the heading "Class-II - Ordinary Members",—

(a) in paragraph (A),—

- (i) in item (i), for the word "five", the word "four" shall be substituted;
- (ii) after item (i), the following item shall be inserted, namely:—

"(ia) One member to be elected by teachers of the Board of Post-Graduate Teaching and Research, excluding the Dean and Heads of Departments, from amongst themselves in the manner prescribed by the Statutes";

(b) in paragraph (B),—

- (i) for item (ii), the following item shall be substituted, namely:—
- (ii) two shall be the persons recommended by the Ministry of Health and Family Welfare, Department of Indian System of Medicine and Homoeopathy, Government of India."

Amendment 12.
of section 18
of Guj. 40 of
1965.

In the principal Act, in section 18,—

(1) in sub-section (1),—

- (a) after the words "the acts of the Syndicate", the words "and of the Board of Post-Graduate Teaching and Research" shall be inserted;
- (b) for the words "the Statutes and the Ordinances", the words "the Statutes, Ordinances and Regulations" shall be substituted;

(2) in sub-section (2),—

- (a) in sub-clause (vii), for the words "the Ordinance", the words "the Ordinance or the Regulation" shall be substituted;
- (b) in clause (xi), for the words "the Statutes and Ordinances", the words "the Statutes, Ordinances and Regulations" shall be substituted.

13. In the principal Act, in section 19, in sub-section (1), --

Amendment of
section 19 of
Guj. 40 of
1965.

(1) for clause (iiia), the following clauses shall be substituted, namely:--

"(iiia) the Adviser, Ayurved, Department of Indian System of Medicine and Homoeopathy, Ministry of Health and Family Welfare of the Government of India or an officer of that Department nominated by him,

(iib) the Director of the Board of Post-Graduate Teaching and Research,";

(2) after clause (iv), the following clause shall be inserted, namely, --

"(iva) one member who is a teacher of the Board of Post-Graduate Teaching and Research, elected to the Senate under section 15(1) Class II Ordinary Members A(ia);"

(3) in clause (vi), for the words "three members", the words "two members" shall be substituted.

14. In the principal Act, in section 20, in sub-section (1), --

Amendment
of section 20
of Guj. 40 of
1965.

(1) in clause (iv), the following shall be added at the end, namely:--

"other than the fund in the form of grant given by the Government of India for the purpose of Post-Graduate Teaching and Research";

(2) in clause (xii), after the words "museums and hostels", the words "other than those of the Board of Post-Graduate Teaching and Research" shall be inserted;

(3) in clause (xiv), after the words "recognised institution and hostels", the words "not being recognised institution and hostels of the Board of Post-Graduate Teaching and Research" shall be inserted;

(4) in clause (xvi), after the words "of the University", the words "other than those of the Board of Post-Graduate Teaching and Research" shall be inserted;

(5) in clause (xx), for the words and brackets "the officers (other than the Chancellor and the Vice-Chancellor), teachers and servants of the University", the words and brackets "the officers (other than the Chancellor, Vice-Chancellor and the Director of

the Board of Post-Graduate Teaching and Research), teachers and servants of the University other than those of the said Board" shall be substituted;

- (6) in clause (xxi), after the words "recognised institution", the words "not being recognised institution of the Board of Post-Graduate Teaching and Research" shall be inserted;
- (7) in clause (xxii), the words "other than those of the Board of Post-Graduate Teaching and Research" shall be added at the end;
- (8) in clause (xxiii), the words "not being recognised institutions of the Board of the Post-Graduate Teaching and Research" shall be added at the end;
- (9) in clause (xxiv), the words "other than those of the Board of the Post-Graduate Teaching and Research" shall be added at the end;
- (10) in clause (xxvii), for the words "the University examinations and other tests", the words "all examinations and other tests held by the University other than those held by the Board of the Post-Graduate Teaching and Research" shall be substituted.

**Insertion of
new sections
20A and 20B in
Guj.40 of 1965.**

15. In the principal Act, after section 20, the following sections shall be inserted, namely : -

**"Board of
Post-Graduate
Teaching and
Research.**

20A. (1) The Board of Post-Graduate Teaching and Research shall consist of the following members, namely : -

- (i) the Vice-Chancellor,
- (ii) three members to be nominated by the Department of Indian System of Medicine and Homoeopathy, Ministry of Health and Family Welfare, Government of India,
- (iii) four members to be nominated by the State Government,
- (iv) one member to be nominated by the Syndicate from amongst its members who are the teachers of the Board of Post-Graduate Teaching and Research,
- (v) one member to be nominated by the Syndicate from amongst its members who are the teachers possessing post-graduate qualifications,

- (vi) the Director of the Board of Post-Graduate Teaching and Research;
- (vii) the Dean of Post-Graduate Teaching and Research,
- (viii) the Registrar.

(2) The term of the members of the Board of Post-Graduate Teaching and Research shall be three years.

20B. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Board of Post-Graduate Teaching and Research shall exercise the following powers and perform the following duties, namely,--

- (i) to manage the Institute of Post-Graduate Teaching and Research Departments, other institutes of research or specialised studies and laboratories and hostels of Post-Graduate Teaching and Research,
- (ii) subject to the supervision of the Senate, to administer the fund in the form of grant given by the Government of India for the purpose of Post-Graduate teaching and research,
- (iii) to supervise and control the admission, conduct and discipline of the students of post-graduate studies and to supervise and control their residence and to make arrangements for promoting their health and general welfare,
- (iv) to appoint Heads of the Departments of Post-Graduate Teaching and Research,
- (v) save as otherwise provided by this Act or the Statutes, to appoint on the recommendation of a committee of selection, if any, as required by this Act or Statutes, teachers for post-graduate teaching, visiting professors, employees of paramedical services, and technical staff of the laboratories managed by the Board, to define their duties and conditions of service and to provide for the filling up of temporary vacancies in their posts,
- (vi) to recognize a member of the staff of recognised institution as a teacher and to withdraw such recognition,
- (vii) to lay down courses of post-graduate studies,
- (viii) to arrange for co-ordination of studies and teaching in the Institute of the Post-Graduate Teaching and Research and in recognized institutions,
- (ix) to hold and conduct post-graduate examinations,

**Powers and
duties of
Board of Post-
Graduate
Teaching and
Research.**

- (x) to lay down conditions on which students shall be admitted to post-graduate examinations,
- (xi) to grant exemption to students from approved courses of studies in the recognised institutions for qualifying for post-graduate degrees, post-graduate diplomas and other academic distinctions,
- (xii) to appoint examiners, to fix their remuneration and to arrange for the conduct of and for publishing the results of post-graduate examinations and tests,
- (xiii) to make, amend and cancel Regulations,
- (xiv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act,
- (xv) to delegate such of its powers to the Director of Board of Post-Graduate Teaching and Research, the Dean or a Committee appointed by it as it may deem fit.”.

Amendment 16.
of section 25
of Guj. 40 of
1965.

In the principal Act, in section 25, —

- (1) in sub-sections (2) and (3), after the word “Syndicate”, the words “or the Board of Post-Graduate Teaching and Research” shall be inserted;
- (2) in sub-section (4), after the words “the Syndicate” wherever they occur “or, as the case may be, the Board of Post-Graduate Teaching and Research” shall be inserted”;
- (3) in sub-section (5), after the words “the Syndicate”, wherever they occur, the words “or the Board of Post-Graduate Teaching and Research” shall be inserted.

Amendment of 17.
section 26 of
Guj. 40 of
1965.

In the principal Act, in section 26, in sub-section (1), —

- (1) in clause (k), after the words “of the University”, the words “other than those of the Board of Post-Graduate Teaching and Research” shall be added,
- (2) in clauses (m), (o) and (p), after the words “recognised institutions”, the words “not being recognised institutions of the Board of Post-Graduate Teaching and Research” shall be inserted.

**Insertion of
new sections
26A and 26B
in Guj. 40 of
1965.**

18. In the principal Act, after section 26, the following sections shall be inserted, namely : —

**“Regulations,
their making
and scope.** 26A.(1) Subject to the provisions of this Act and the Statutes, the Board of Post-Graduate Teaching and Research may frame Regulations to provide for all or any of the following matters, namely, —

- (a) the admission of students to post-graduate study and research;
- (b) the courses of study to be laid down for all post-graduate degrees, diplomas and certificates;
- (c) the conditions under which students shall be admitted to the courses of post-graduate studies for post-graduate degrees, diplomas and other academic distinctions and to the examinations of the Board of Post-Graduate Teaching and Research;
- (d) the recognition and inspection of hostels of the Board of Post-Graduate Teaching and Research;
- (e) the conduct and discipline of post-graduate students and conditions of their residence;
- (f) the number, qualifications and conditions of appointment of the post-graduate teachers;
- (g) the fees to be charged for courses of instruction in or by or on behalf of the University given by post-graduate teachers, for tutorial and supplementary instruction given by or on behalf of the Board of Post-Graduate Teaching and Research, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of post-graduate studies and for other purposes of like nature;
- (h) the conditions of appointment and the duties of examiners for post-graduate examinations;
- (i) the conduct of post-graduate examinations;
- (j) the duties and powers of the Board of University Teaching, the Scientific Advisory Committee and Committees appointed by the Board of Post-Graduate Teaching and Research;
- (k) the powers and duties of the Director of Board of Post-Graduate Teaching and Research, Heads of Departments, employees of para-medical services and technical staff of laboratories maintained by the Board of Post-Graduate Teaching and Research;
- (l) the discipline to be enforced in regard to the post-graduate students in so far as they come within the jurisdiction of the University for purposes of post-graduate study and examinations;
- (m) the rules to be observed and enforced by recognised institutions in respect of transfer of students;
- (n) the registers of students to be kept by the Board of Post-Graduate Teaching and Research and recognised institutions;

- (o) the fees (if any) to be paid for entry or retention of a name on any register kept by the Board of Post-Graduate Teaching and Research or recognised institutions;
- (p) the inspection of recognised institutions and the reports, returns and other information to be furnished by such recognised institutions;
- (q) the duties of post-graduate teachers;
- (r) generally, all matters which by this Act or by the Statutes may be provided for by the Regulations and all matters for which provision is, in the opinion of the Board of Post-Graduate Teaching and Research, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Board by this Act or the Statutes.

(2) All Regulations made by the Board of Post-Graduate Teaching and Research shall, except as otherwise provided by this Act, have effect from such date as it may direct; but every Regulation so made shall be laid on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration but not to amend any such Regulation:

Provided that a Regulation, which involves expenditure from the University fund, shall not be effective until it is approved by the Syndicate.

(3) The Vice-Chancellor shall, on the application of not less one-third of the members of the Senate, suspend the operation of any such Regulation until the Senate has considered it as provided in sub-section (2).

Rules. 26B. (1) Any authority of the University specified in clauses (iii) and (iv) or declared under clause (v) of section 14 and any other Board of the University may, subject to the approval of the Syndicate, make Rules consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority or Board.

(2) All Rules made by any authority or Board shall have effect from such date as the authority or the Board making the Rules may direct:

Provided that a rule which involves expenditure from the University fund shall not be effective until it is approved by the Syndicate.”.

- 19.** In the principal Act, in section 29, --
- (1) in sub-section (1), after the words "The Syndicate shall have the power", the words "after consultation with the Board of Post-Graduate Teaching and Research" shall be inserted;
 - (2) in sub-section (4), for the words "the Syndicate shall grant or refuse", the words "the Syndicate shall, after obtaining the opinion of the Board of Post-Graduate Teaching and Research, grant or refuse" shall be substituted.
- 20.** In the principal Act, in section 30,--
- (1) in sub-section (1),--
 - (a) after the words "The Syndicate shall have the power", the words "after consultation with the Board of Post-Graduate Teaching and Research" shall be inserted;
 - (b) after the words "in the Ayurvedic System of Medicine", the words "approved by the Board of Post-Graduate Teaching and Research" shall be inserted;
 - (2) in sub-section (4), for the words "the Syndicate shall grant or refuse", the words "the Syndicate shall, after obtaining the opinion of the Board of Post-Graduate Teaching and Research, grant or refuse" shall be substituted.
- 21.** In the principal Act, in section 33, in sub-section (5), after the words "to be necessary", the words "and after consulting the Board of Post-Graduate Teaching and Research" shall be inserted.
- 22.** In the principal Act, in section 34, in sub-section (3), after the words "to be necessary", the words "and after consulting the Board of Post-Graduate Teaching and Research" shall be inserted.
- 23.** In the principal Act, in section 35, in sub-section (3), for the words "the Statutes and Ordinances", the words "the Statutes, Ordinances and Regulations" shall be substituted.
- 24.** In the principal Act, in section 37, the words "or, as the case may be, Regulations" shall be added at the end.
- 25.** In the principal Act, in section 40, in sub-section (1),--
- (1) for the words "the Syndicate and of the Senate", the words "the Syndicate, or, as the case may be, the Board of Post-Graduate Teaching and Research and the Senate" shall be substituted;

Amendment
of section 29
of Guj. 40 of
1965.

Amendment of
section 30 of
Guj. 40 of 1965.

Amendment of
section 33 of Guj.
40 of 1965.

Amendment
of section 34
of Guj. 40 of
1965.

Amendment
of section 35
of Guj. 40 of
1965.

Amendment
of section 37
of Guj. 40 of
1965.

Amendment
of section 40
of Guj. 40 of
1965.

(2) for the words "in the opinion of the Syndicate and the Senate", the words "in the opinion of the Syndicate, or, as the case may be, of the Board of Post-Graduate Teaching and Research and the Senate" shall be substituted.

Amendment 26. In the principal Act, in section 42, after sub-section (3), the of Guj. 40 of following sub-section shall be added, namely : -
1965.

"(4) Any grant given by the Government of India for the purpose of Post-Graduate Teaching and Research shall be applied for meeting—

(a) expenses incurred for that purpose; and

(b) expenses incurred by the Board of Post-Graduate Teaching and Research in exercise of its powers and performance of its duties under section 20B."

Insertion of new section 62 in Guj. 40 of 1965. 27. In the principal Act, after section 61, the following section shall be added, namely:—

"Repeal of certain Statutes and Ordinances. 62. On the commencement of the Gujarat Ayurved University (Amendment) Act, 2003,—

(i) the Standing Managing Committee shall be known as the Board of Post-Graduate Teaching and Research, and

(ii) the Statute 180 and the Ordinances 148 to 157 and any other Statutes or Ordinances relating to the said committee shall stand repealed.”

Government Central Press, Gandhinagar.

(C)



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the President on the 17th October, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 31 OF 2003.

(First published, after having received the assent of the President in the "Gujarat Government Gazette", on the 18th October, 2003).

AN ACT

further to amend the Code of Criminal Procedure, 1973 in its application to the State of Gujarat.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

- | | |
|---|--|
| 1. (1) This Act may be called The Code of Criminal Procedure (Gujarat Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 16 th August, 2003. | Short title
and
commencement. |
|---|--|

**Amendment
of section
167 of Act
2 of 1974.**

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as "the principal Act") in its application to the State of Gujarat, in section 167, in subsection (2)-

(1) in the proviso, for paragraph (b), the following paragraph shall be substituted, namely:-

"(b) no Magistrate shall authorise further detention in any custody under this section unless-

(i) where the accused is in the custody of police, he is produced in person before the Magistrate, and

(ii) where the accused is otherwise than in the custody of the police, he is produced before the Magistrate either in person or through the medium of electronic video linkage, in accordance with the direction of the Magistrate.";

(2) in Explanation II, after the words "whether an accused person was produced before the Magistrate", the words "in person or, as the case may be, through the medium of electronic video linkage" shall be inserted.

**Repeal
and
savings.**

3. (1) The Code of Criminal Procedure (Gujarat Amendment) Ordinance, 2003 is hereby repealed.

Guj. Ord.
3 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

(C)



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

LEGAL DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 30th October, 2003.

GUJARAT ORDINANCE NO. 4 OF 2003.***AN ORDINANCE***

*further to amend the Bombay Court -fees (Gujarat Amendment) Act,
2003.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Court-fees (Gujarat Amendment) Act, 2003;

Guj. 18 of
2003.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title.*- This Ordinance may be called the Bombay Court-fees (Gujarat Amendment) Amending Ordinance, 2003.

2. *Guj. 18 of 2003 to be temporarily amended.*- During the period of operation of this Ordinance, the Bombay Court-fees (Gujarat Amendment) Act, 2003 (hereinafter referred to as "the amending Act") shall have effect subject to the amendment specified in section 3.

Guj. 18 of
2003.

3. *Amendment of section 3 of Guj. 18 of 2003.*- In the amending Act, in section 3, for clause (2), the following clause shall be substituted, namely :-

"(2) for article 10, the following shall be substituted, namely :-

"10. Probate of a will or letters of administration with or without will annexed.	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs rupees.</p>	<p>Two per cent.</p> <p>Four per cent.</p> <p>Six per cent.</p>
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XXIX of 1925.

		<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs rupees:</p> <p>Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under the Bombay Regulation VIII of 1827 or any corresponding law for the time being in force, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of latter grant shall be reduced by the amount of the fee paid in respect of the former grant.”</p>	<p>Seven and half per cent. subject to the maximum of seventy-five thousand rupees.</p>
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STATEMENT

The Bombay Court-fees Act, 1959 was amended by the Bombay Court-fees (Gujarat Amendment) Act, 2003 (Guj. 18 of 2003). By the said amending Act, certain provisions relating to the rates of Court-fees were modified. Amongst the said amendments, Article 10 of Schedule I relating to the probate of will or letters of administration was also sought to be amended. However, in column 3 of the said Article 10 of Schedule I, the rates of proper fees were not printed.

It is, therefore, necessary to rectify the said error by amending Article 10 of Schedule I of the said Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the Bombay Court-fees (Gujarat Amendment) Act, 2003 to achieve the aforesaid object.

Gandhinagar,
Dated the 29th October, 2003.

KAILASH PATI MISHRA,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

BELA TRIVEDI,
SECRETARY TO GOVERNMENT.

Government Central Press, Gandhinagar.